and inserting in lieu thereof "$210,000" and $50,000", respectively."

The amendment was agreed to.

The resolution, as amended, was agreed to.

ORDER FOR PRINTING OF A COMPILATION OF THE 25TH AMENDMENT

The Senate proceeded to consider the resolution (S. Res. 183) authorizing the printing of a compilation of materials on the 25th amendment as a Senate document which had been reported from the Committee on Rules and Administration with an amendment on page 1, at the beginning of line 6, strike out "document for the use of that committee." and insert "document, of which one thousand copies shall be for the use of the Committee on the Judiciary and one thousand copies shall be for the use of the Committee on Rules and Administration."

The amendment was agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That a compilation entitled "Selected Materials on the Twenty-fifth Amendment", prepared by the Subcommittee on Constitutional Amendments, Committee on the Judiciary, be printed as a Senate document, and that there be printed two thousand additional copies of such document, of which one thousand copies shall be for the use of the Committee on the Judiciary and one thousand copies shall be for the use of the Committee on Rules and Administration.

ORDER FOR PRINTING ADDITIONAL COPIES OF HEARINGS ENTITLED "U.S. INTERESTS IN AND POLICY TOWARD THE PERSIAN GULF"

The concurrent resolution (H. Con. Res. 275) providing for the printing of 1,000 additional copies of the hearings before the Subcommittee on the Near East of the Committee on Foreign Affairs entitled "U.S. Interests in and Policy Toward the Persian Gulf" was considered and agreed to.

ORDER FOR PRINTING ADDITIONAL COPIES OF REPORT OF THE COMMISSION ON THE BANKRUPTCY LAWS OF THE UNITED STATES

The concurrent resolution (H. Con. Res. 322) to reprint and print the corrected Report of the Commission on the Bankruptcy Laws of the United States was considered and agreed to.

ORDER FOR PRINTING AS A HOUSE DOCUMENT THE CONSTITUTION OF THE UNITED STATES

The Senate proceeded to consider the concurrent resolution (H. Con. Res. 184) to print as a House document the Constitution of the United States which had been reported from the Committee on Rules and Administration with an amendment on page 2, add the following new section:

SEC. 2. There shall be printed fifty-one thousand five hundred additional copies of the document authorized by section 1 of this concurrent resolution for the use of the Senate.

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 23, 1973, he presented to the President of the United States the following enrolled bills:

S. 907. An act to authorize the appropriation of $150,000 to assist in financing the arctic winter games to be held in the State of Alaska in 1974; and

S. 2016. An act to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HELMS). Without objection, it is so ordered.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 442 and 443.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES AND IMMUNITIES TO THE ORGANIZATION OF AFRICAN UNITY

The bill (S. 1526) to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Organizations Immunities Act (22 U.S.C. 288–288f) is amended by adding at the end thereof the following new section:

"SEC. 12. The provisions of this title may be extended to the Organization for African Unity in the same manner, to the same extent, and subject to the same conditions, as they may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.".

CERTAIN PRIVILEGES GRANTED TO THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES

The bill (H.R. 5943) to amend the law authorizing the President to extend certain privileges to representatives of member states on the Council of the Organization of American States was considered, ordered to a third reading, read the third time, and passed.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on Friday, October 26, 1973, the Senate will convene at 12 o'clock noon.

Under the order previously entered, after the recognition of the two leaders or their designees under the standing order, there will be a period for the transaction of routine morning business not to exceed 30 minutes, with statements therein limited to the usual three minutes.

I do not anticipate any business, unless there are measures on the Calendar which have been cleared for action and possibly any conference reports that may be available and awaiting action.

I do not, at this time, anticipate any yea-and-nay votes.

ADJOURNMENT TO FRIDAY

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Friday next.

The motion was agreed to; and at 3:07 p.m. the Senate adjourned until Friday, October 26, 1973, at 12 o'clock noon.

NOMINATION

Executive nomination received by the Senate on October 19, 1973, pursuant to the order of October 18, 1973:

FOREIGN CLAIMS SETTLEMENT COMMISSION

Kieran O'Doherty, of New York, to be a member of the Foreign Claims Settlement Commission of the United States for a term of 3 years from October 22, 1973 (reappointment).

HOUSE OF REPRESENTATIVES—*Tuesday, October 23, 1973*

The House met at 12 o'clock noon.

Rabbi Sally Preisand, Stephen Wise Free Synagogue, New York, N.Y., offered the following prayer:

Once again, we consecrate ourselves to the task of building a better world. Those who sit here have been granted positions of authority by their fellow citizens. May they use their power wisely and for the good of all, and may their decisions ever reflect a true sensitivity toward human needs. May they uphold the law of right-

eousness in America and courageously defend the democratic system wherever its survival is threatened. Proud of our achievements, yet aware of our shortcomings, may all our citizens unite in the spirit of concord and compassion to solve the problems of contemporary life and to create a world in which all people might at last live together in peace and in unity with none to make them afraid.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

RABBI SALLY PREISAND

(Ms. ABZUG asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Ms. ABZUG. Mr. Speaker, today we have been privileged to hear the prayer and receive the guidance of Rabbi Sally Preisand, assistant rabbi of the Stephen Wise Free Synagogue in New York.

This is indeed a historic occasion for more reasons than one. One is because, Mr. Speaker, Rabbi Preisand is the first woman rabbi in America and the first to offer the morning prayer to the House of Representatives.

Ordained over a year ago, Rabbi Preisand is now associated with one of the finest synagogues in all New York, the Stephen Wise Free Synagogue, which serves many of my constituents and those of other Members of this House. Educated at the University of Cincinnati and the Hebrew Union College, she fulfills all the duties of a member of the clergy. She performs marriages and leads confirmation classes and Hebrew studies; she meets with the youth groups and with the trustees; she works with the elderly and the young; and conducts the Friday night and Saturday morning worship services.

But as Rabbi Preisand has said, "A rabbi is also a leader and a counselor." Rabbi Preisand recognizes the importance of her position as a model for young Jewish women. She has said, "I'm proud, perhaps proudest, that now little girls can grow up knowing they can be rabbis if they want to." Her accomplishments have been recognized by many all over the country.

As we learn from her words today, so can we learn from her life; to help others, to give leadership and to be open to change within the institutions of our society must be our goal, as it is hers.

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS JUDICIARY COMMITTEE TO STUDY IMPEACHMENT QUESTION

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, let us review the action of the President of the United States.

No other President in the history of this Nation has brought the highest office in the land into such low repute. His conduct must bring shame upon us all.

By his highhanded firing of the special prosecutor, President Nixon has violated the solemn promise he made to the Congress and to the American people on nationwide television last April 30.

The resignation of the Attorney General, Mr. Richardson, and the Deputy Attorney General, Mr. Ruckelshaus, was the only course available to honorable men. And of honorable men, this administration has had few enough. Now it is poorer still by two and many excellent staff assistants.

I have never seen such an avalanche of angry telegrams. The Capitol required extra help on the switchboard over the weekend. The Western Union lines were jammed.

Mr. Speaker, many people are demanding impeachment. They have suffered patiently through the whole sordid Watergate mess. In the American spirit of fairplay and the right to a presumption of innocence, they accepted the arrangement proposed by President Nixon last April—a special prosecutor who would investigate Watergate wherever it might lead and who would make the truth known to the American public. Those were the terms fixed by President Nixon himself.

Now he has chosen to violate those terms—deliberately and with premeditation. His act raises serious questions of President Nixon's ability to govern this Nation.

He has left the people no recourse. They have had enough doubledealing. In their anger and exasperation, the people have turned to the House of Representatives. It is the responsibility of the House to examine its constitutional responsibilities in this matter. The case must be referred to the Judiciary Committee for speedy and expeditious consideration. The House must act with determined leadership and strength.

LEGISLATION TO PROHIBIT PRESIDENT FROM APPOINTING ACTING DIRECTOR OF FBI

(Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. GRIFFITHS. Mr. Speaker, I have today introduced a bill which I have had under consideration for some time, a bill which would prohibit the President of the United States from appointing an Acting Director of the FBI. I do not believe that any man should be able to appoint an Acting Director of the FBI and ask that the files of anyone whom he chose be turned over to the President.

I have given this authority to the oldest-in-seniority Justice of the Supreme Court, and then just to make sure I have said that anyone who acts under color of authority of the President be liable to 6 months in jail and a $10,000 fine.

I urge the Committee on the Judiciary to take immediate recognition of this bill and to enlarge it so that a President of the United States cannot appoint an Acting Director of anything for any period whatsoever.

The President should not be able to tell a day enforcement officer, "Do what I tell you to do and I will promote you; or I will fire you if you do not." This is dictatorship and contrary to the American system.

REPUBLICAN LEADERSHIP SUPPORTS REFERRAL OF RESOLUTIONS TO COMMITTEE ON JUDICIARY

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I wish to announce to the Members of the House that the House Republican leadership met this morning and I communicated the information to the distinguished Speaker of the House that we do support the referral of any resolutions to the House Committee on the Judiciary.

IMPEACHMENT OF THE PRESIDENT

(Mr. WALDIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDIE. Mr. Speaker, I have introduced a resolution of impeachment.

I have done so because I think the crisis that today confronts the country demands that we in the House not step away from confronting that crisis by taking less than the concrete step of impeachment. To begin an "inquiry," to begin less than an impeachment process, is an admission on the part of the House of Representatives that this body is not willing to accept the responsibility that the Constitution thrusts upon it, and that the bizarre actions of the President last weekend thrust upon it.

The President's incredible and bizarre actions this last weekend have culminated a long pattern of pure and unmistakable obstruction of justice. The President has shown utter contempt for the judicial branch of the Government. He has shown equal contempt for the legislative branch of the Government. The President does not believe in a rule of law. His arrogance and lawless activity can no longer be tolerated.

If the House of Representatives refuses to embark upon a proceeding of impeachment, the House of Representatives will be deserving of that contempt.

Mr. Speaker, I urge the House of Representatives to commence impeachment proceedings against the President immediately.

PROPOSED SELECT COMMITTEE

(Mr. SISK asked and was given permission to address the House for 1 min-

ute and to revise and extend his remarks.)

Mr. SISK. Mr. Speaker, it is with a great deal of sorrow that I find myself in a situation today where I introduced a resolution to create a select committee of 15 Members empowered and with full authority to report an impeachment resolution to the House within 30 days, or such other resolution of censure or anything else that that committee may find necessary to meet this situation.

Mr. Speaker, I deeply regret that this action is necessary, but this Nation is confronted not only with a constitutional crisis, but a question of whether, in fact, the President of the United States has placed himself above the law and has actually violated laws.

Mr. Speaker, certainly in connection with the statement made by the minority leader a few moments ago, I will support a full-scale investigation and immediate action by the Judiciary Committee, if that is the desire of the leadership. But I want it clearly understood that I feel very strongly that this matter must be done immediately, that we can no longer drag our feet; that it is no longer a matter that can be swept under the rug and that we must proceed expeditiously, because the country demands it. I think America demands it in equity and in justice.

Therefore, we as Members of this House must live up to our constitutional requirements and meet our obligations.

PROPOSED IMPEACHMENT PROCEEDINGS

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I as chairman and 11 other Members of the House were in Ankara, Turkey, to attend a meeting of the North Atlantic Assembly, when on early Sunday morning we received this news. The immediate decision was, because we did not know what might happen today, to return; and we arrived only at 11:30 today at Andrews Air Force Base. But I can say that when this word was given to the standing committee which met on Sunday of what the President had done, there was absolute amazement, shock, and horror, from every delegate there. In any other country in the world the President would have resigned. If he had not, he would have been forced by a vote of no confidence by precipitating this crisis and taking over as his domain the judiciary of the United States.

I have supported the President a lot more than I have ever opposed him. I have supported him almost 100 percent in foreign policy, but I cannot condone this kind of action.

I would have no more confidence in the Justice Department under his handpicked man than I would in an Egyptian war communique.

I just want to say that I am willing to wait for a reasonable investigation, that is, in a reasonable length of time; but if it drags on, then I think the House will be confronted with some Member calling up an immediate impeachment resolution for a vote up or down.

IMPEACH THE PRESIDENT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Ms. ABZUG. Mr. Speaker, will the gentlewoman yield?

Ms. SCHROEDER. I yield to the gentlewoman from New York.

Ms. ABZUG. Mr. Speaker, I have introduced today a resolution setting forth reasons why President Nixon should be impeached for high crimes and misdemeanors.

The President has shocked the Nation by defying a Federal court order on the tapes and violating a solemn commitment to the Senate by summarily dismissing special prosecutor, Archibald Cox, and abolishing his office. There has been a groundswell of protest from every part of the Nation, from Republicans as well as Democrats, from citizens who profoundly respect our constitutional form of democracy and are appalled that the Chief Executive does not.

A common theme appears in the phone calls and telegrams pouring into my office: The President is not above the law or beyond the reach of the courts. He must be called to account for his actions through the process of impeachment by the House and trial by the Senate.

Since last May I have been asking the House Judiciary Committee to inquire into the conduct of the President to determine whether he has committed impeachable acts. I believe it is now evident that he has done so. His contempt for the Constitution, the courts, and the people, as seen in the Cox dismissal, climaxes a long series of unlawful and antidemocratic actions by the President. His attempt to cover up the evidence and to shut down the Cox investigation indicates that the trail was indeed leading into the Oval Office.

The articles of impeachment I have offered charge the President with seven separate violations of the Constitution and the law, ranging from the tapes issue and the ouster of Mr. Cox to the impounding of funds and the secret, illegal bombing of Cambodia.

All these and other charges should be thoroughly investigated by the Judiciary Committee so that the people may have the full facts.

IMPEACHMENT OF THE PRESIDENT

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, my office and my home have been flooded with calls from constituents since the President discharged Special Prosecutor Cox last Saturday evening.

One woman from Rhinelander, Wis., called me at 12:30 Saturday night. She told me that last November, even though she was 8½ months pregnant, she had distributed literature in support of the reelection of the President. She asked me to please support impeachment proceedings. Her call was not unique. Many good Republicans are every bit as disturbed as Democrats over the sobering turn of events of this weekend.

There are many important questions surrounding the events of the past weekend and the entire Watergate controversy. But, for the country, the most important question to ask is whether Richard Nixon's Presidency has lost its usefulness. I believe it has. For this President, trust is gone, belief is gone, the public's good will is gone, and nothing short of a miracle will restore it.

Presidents are elected for 4 years to govern, not to rule, and it is sadly apparent that this President can no longer really govern.

Mr. Speaker, I believe you and a delegation from the House should call upon the President, pledge early action on the nomination of Representative FORD to the Vice Presidency, and urge Mr. Nixon's immediate resignation for the good of the country upon the confirmation of Mr. FORD. That would be the best thing Mr. Nixon could do for the country.

CENSURE OF THE PRESIDENT

(Mr. LONG of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LONG of Maryland. Mr. Speaker, heretofore, I have been reluctant even to think about impeachment, but if the President persists in his defiance of the courts, and in his orders to the Federal prosecutors not to seek to invoke the judicial process further to compel production of recordings, notes, and memoranda regarding the Watergate prosecution, then our Constitution is imperiled and Congress has no alternative, but to proceed with impeachment proceedings.

I represent a district which voted for Nixon by a 75-percent margin. Yet, yesterday, I received 239 telephone calls of which 200—5 to 1—were for impeachment. These calls came from people of all economic conditions and political persuasion. Never has anything even approached this outpouring of sentiment in my district. It is as if a dam had broken.

First, I support the launching of an inquiry leading to impeachment.

Second, if the inquiry results in a finding that the President is in violation of the law, and of the Constitution, I shall vote for impeachment.

Third, I urge that the investigation into the qualifications of GERALD FORD be speeded up, in the hope that Congressman FORD can be confirmed by Congress as Vice President with the view of removing any political considerations from the impeachment proceedings.

Fourth, I came here today introducing a resolution of censure of the President; a resolution that does not prejudice or preclude any subsequent proceedings for impeachment.

PREMATURE IMPEACHMENT PROCEEDINGS

(Mr. FISHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FISHER. Mr. Speaker, I am amazed at the Members who have so prematurely urged impeachment proceedings against the President. After all, as of this time, what has he done? The Attorney General has said the President as of this time has violated no court order.

The issue over revealing the contents of recordings of private conversations by the President with his aides has been litigated extensively. Last week Mr. Nixon announced a plan to reveal the contents of the recordings and have the accuracy and completeness of his summary verified by Senator JOHN STENNIS. That arrangement had the approval of Senator ERVIN and of Senator BAKER, spokesmen for the Senate Watergate Committee. If it is not approved by Judge Sirica, then that would present another question. But that point has not yet been reached.

In regard to the President firing Archibald Cox, who had defied the President's plan to reveal the contents of the tapes, that certainly is no grounds for impeachment. I recall that when President Truman fired General McArthur, thousands of telegrams of protest were received on Capitol Hill. But no one even suggested impeaching Truman. After all, Mr. Cox worked for the executive branch and President Nixon was his boss.

Let us restrain ourselves until the outcome of the President's proposal to reveal the contents of the tapes has been determined.

IMPEACHMENT OF THE PRESIDENT

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WOLFF. Mr. Speaker, it is with a heavy heart that I rise today to call for the impeachment of President Nixon for the high crime of refusal to obey an order of the Federal Court of Appeals of the District of Columbia. If the law of the land is to be maintained and anarchy or totalitarianism to be avoided, there is no alternative but that the President comply with the order of the court or suffer this body to begin immediate impeachment proceedings.

This weekend the Nation was rocked by the news of the resignations of Attorney General Elliot Richardson and Deputy Attorney General William Ruckelshaus and the firing of Special Watergate Prosecutor Archibald Cox. These tragic events bring to a head the unconscionable abuse and arrogation of power by the President of the United States who has placed himself in defiance of both the courts and the laws of our land.

Indeed, the issue of impeachment concerns more than the President's refusal to comply with the order issued by District Judge John Sirica and the U.S. Court of Appeals that he turn over the White House tapes in a specific and prescribed manner. The shielding of witnesses in criminal investigations through the improper use of executive privilege, the seizing and sealing of the Special Prosecutor's files and the concealment and withholding of documents and other evidence relating to alleged criminal activities constitute a shocking and blatant obstruction of the process of justice, which is itself a felony and clearly an impeachable offense.

Mr. Speaker, the President's actions leave the Congress no alternative but to act to bring about whatever procedures may be necessary for a return to orderly government within the democratic process.

PROPOSED IMPEACHMENT OF THE PRESIDENT

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, as a result of the President's incredible actions last Saturday which resulted in the removal from Government of Attorney General Richardson, Deputy Attorney General Ruckelshaus and Special Prosecutor Cox, I am joining those of my colleagues who are introducing impeachment resolutions.

It was my hope that this action would not be necessary—that the President would comply with the order of the Federal courts—that the President would allow the special prosecution to move without restraint; that the President would support due process of law.

The President's dissolution of the prosecution is equivalent to an order that further proceedings be dropped against indicted former Attorney General Mitchell, against indicted former Commerce Secretary Stans, against indicted White House aides, as well as other White House manipulators.

The President's action grossly violates his solemn constitutional promise to support the laws of the land. He leaves the Congress with no other alternative than to review his disobedience to the law and his right to remain in office.

A RESOLUTION OF IMPEACHMENT

(Mr. RIEGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIEGLE. Mr. Speaker, like every other Member who rises to speak today, I have given long and careful thought to my own remarks, and I speak with all my feeling.

I think President Nixon has broken the law and he has violated his sworn oath of office. He has done this not once, but several times. By so doing, he has disgraced his country and himself. This is a matter of great sadness; it is also a cause of justified public outrage. The President has broken his word to the American people and has violated the bond of sacred trust that must exist between the President and our people.

The President with his specific actions of the last week is openly involved in a criminal obstruction of justice. If he does not cease this obstruction and end his lawlessness, then he leaves the American people and this Congress no choice but to remove him from office. We can have only one set of laws in America, and they must apply equally to all of us.

Therefore, my sworn oath of office to protect and defend our Constitution and our laws requires me to file a formal resolution of impeachment. As soon as I can properly and carefully prepare such a resolution, I will so file it.

A LEGISLATIVE LYNCH MOB

(Mr. KUYKENDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUYKENDALL. Mr. Speaker, time and time again today this situation has been called unprecedented. Those Members who are students of history know that this situation is not unprecedented. It happened to a President of the United States from my home State of Tennessee. Shortly after the Civil War, a man stood for unity, stood against the Congress of the United States for even treatment of all parts of this Nation, and he was lynched legislatively in this House. It took one man in the U.S. Senate being hauled in on a stretcher to save this Nation from one of the blackest spots that would have been in its history.

It was President John F. Kennedy in his book, "Profiles in Courage," who finally told the true story of what happened.

I warn everyone in this House to go slowly. Do not be part of a legislative lynch mob. This can happen, as it did happen in this House to Andrew Johnson shortly after the Civil War.

For those who would rush into this proceeding without going through an investigation, without going through the procedure suggested by the gentleman from Michigan (Mr. GERALD R. FORD), I have here a symbol for their actions.

THE PRESIDENT HAS NOT DEFIED A COURT ORDER

(Mr. WYMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYMAN. Mr. Speaker, let us not go off the deep end here today. It is very clear that Mr. Cox and the President have been having differences in regard to the former's jurisdiction. It is also obvious that the President feels very deeply about the privilege of Executive papers for this President or any President.

It does not make sense to me, and I am sure it does not to most of us, for the President not to appeal the Court of Appeals decision, and then after having failed to appeal within the designated limit, to offer a compromise, which if it is not accepted can only result in a possible contempt citation.

But let it be remembered at this hour that the President has not yet defied a court order of any court in this land. It is

to be fervently hoped that he will not do so, for at stake is the very integrity of our system, our system of justice and even the Constitution of the United States itself.

At this juncture the developments of the past few days are regrettable but not impeachable. I think it is important to set the record straight in this respect, in light of some of the near hysterically misleading statements we have been listening to this noon.

IMPEACHMENT OF PRESIDENT NIXON

(Mr. BROYHILL of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROYHILL of Virginia. Mr. Speaker, this Congerss has an opportunity today to display a maturity of legislative judgment in response to outcries for the impeachment of President Nixon.

We must not, Mr. Speaker, be led down the garden path of prejudgment behind the prejudice of the Nation's press, and the political bias of the anti-Nixon claque in our country.

Archibald Cox has chosen to set himself above the compromise on the tapes worked out between the President and the Senate Watergate Committee. To allow Mr. Cox to continue in office would be to allow him to function as a fourth branch of Government.

Every one of us, Mr. Speaker, understands the President's right to confidentiality in the operation of his office. None of us could long remain in office if we violated the confidentiality of the daily letters we receive and conversations we have with our constituents. They trust us to protect their privacy in their discussions with us regarding their marital, financial, emotional, employment, and other personal problems.

Let us proceed, Mr. Speaker, as the people's Representatives, and determine the full facts before we allow mass media hysteria to replace reasoned judgment.

IMPEACHMENT CRY PREMATURE

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DICKINSON. Mr. Speaker, following the cries of impeachment which have been heard this morning, I would observe that some persons uttering this cry are well-meaning and sincere, others are mounting sheer sloppy demagoguery. Mr. Speaker, all cries are premature and not well founded.

Article II, section 4 of the Constitution states:

> The President, Vice President, and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high crimes and Misdemeanors.

What are these high crimes and misdemeanors committed by President Nixon?

I find it rather amazing that anyone could demand the impeachment of the President of the United States—the most extreme action the Congress could take and which has never happened to a President in our history—simply because he fired an employee of the executive branch which he appointed. Nowhere in the Constitution of the United States do I find such action listed as an impeachable offense. It may not have been good judgment, but it is certainly no crime.

If the firing of one's employee, in this case Mr. Cox, is a high crime of misdemeanor, then I say that there has not lived a President who should not have been impeached.

Is the President's high crime or misdemeanor that he is defying the courts?

I think not. Less than 1 hour ago the Acting Attorney General of the United States relayed the word that talks were underway and that negotiations were being considered to resolve the tapes conflict. I predict that if the courts order President Nixon to produce the tapes he will comply.

Mr. Speaker, the President of the United States has been charged with no crime, and he has committed no crime. This morning's cries of impeachment are, to say the least, premature and unfounded.

CONFIRMATION OF GERALD R. FORD AS VICE PRESIDENT

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, the resignations this weekend of Attorney General Elliot L. Richardson, and Deputy Attorney General William D. Ruckelshaus, and subsequent removal from office of Watergate Special Prosecutor Archibald Cox, are serious and grave steps taken by President Nixon.

On a number of occasions, President Nixon has demanded that Watergate be tried in the courts. This is exactly what Watergate Prosecutor Cox was attempting to do when fired by the President.

The resignations and firing which were brought about by Mr. Nixon represent a 180-degree turn in his commitment to the Congress and the American people to have a thorough, full, and impartial investigation into the Watergate incident and its subsequent coverup effort. Actually, when President Nixon appointed Elliot Richardson as Attorney General, William Ruckelshaus as Deputy Attorney General, and Richardson appointed Archibald Cox as Watergate Prosecutor, Mr. Nixon was selecting his own people and repeatedly announced that he had complete confidence in their integrity and character.

Due to this abrupt reversal on the part of the President, I am willing to participate in the debate of possible impeachment proceedings. However, I must make clear my total opposition to any impeachment of the President prior to the confirmation by the House and Senate of GERALD FORD as Vice President.

When GERALD FORD was nominated to be Vice President a week ago last Friday, that action was met by acclaim by almost all Republicans and Democrats in Congress. It is time now to put aside partisan politics and confirm Mr. FORD's nomination, before any attempt is made to institute impeachment proceedings.

CONGRESSIONAL INVESTIGATION WITH RESPECT TO IMPEACHMENT

(Mr. GUDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUDE. Mr. Speaker, the Congress must immediately pick up the threads of the investigation which have been cut by the President this weekend. We should retain Mr. Cox to continue this investigation.

The President may now agree to a court order but, because of the imminent danger of an unprecedented constitutional impasse, the Congress must assemble all evidence which would point to an impeachment of the President so that we are prepared to act with reason and justice, and without prejudice.

IN SUPPORT OF PRESIDENT NIXON

(Mr. PASSMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASSMAN. Mr. Speaker, I would be remiss in my responsibility as a God-fearing and God-loving American if I did not express myself now as my heart and conscience dictate, keeping in mind that of my position you may deprive me, but of my integrity, never.

Our great country has never had a bad President. Some have been greater than others, and in my considered judgment history will record Richard M. Nixon as the greatest President this Nation has ever had. We should be commending this great President, not condemning him. We are inclined to forget too quickly what he has accomplished for this land that we love.

He concluded, under most difficult circumstances, the Vietnam war; he established a dialog with Mainland China and doubtless prevented them from going into the arms of Russia. This act may have prevented world war III. And, it appears, that he is well on his way to bringing peace in the Middle East.

There comes a time when the faint-hearted run for the showers; then, those with courage must speak up. I am taking my position on the side of the President, because I believe he possesses unimpeachable integrity. I contend that his troubles began when he put the Communist, Alger Hiss, in jail.

Those with the brains of a juvenile moron know that the President is working within the framework of the law. We should not persecute our President for trying to protect the office of the Presidency. There are those who would settle for nothing less than to force the President, if they could, to confess to crimes he has not committed. There are those who would destroy the Presidency if it would mean the destruction of Richard M. Nixon.

IMPEACHMENT IS NOT THE ANSWER

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I also think that talk of impeachment at this time is unreasonable.

If we impeach President Nixon, what happens next? I believe that after the people of the Nation get over the shock of the last 2 weeks, they are not going to support this drastic action.

Mr. Speaker, quite frankly, this talk of impeachment gives me a knot in my stomach.

ON IMPEACHMENT

(Mr. ROUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROUSH. Mr. Speaker, the indignation of those who have spoken out concerning the President's brash and irrational actions in dismissing Mr. Cox and Mr. Ruckelshaus and causing the resignation of Mr. Richardson is well founded. What he has done deserves the sharpest of criticism and condemnation.

Should we now proceed with impeachment? What a profound and difficult question to deliberate. Mr. Speaker, I am overwhelmed by the events which have overtaken us. I, too, am indignant and have strong feelings concerning the President's action and immediate judgment is tempting; however, because of the importance and the gravity of this matter my decision on the question of impeachment must be well considered and deliberate. It must be consistent with the dictates of the Constitution and the laws of the land and above all serve the best interests of my country and its people. My decision will be made accordingly.

THE PRESIDENT'S ALTERNATIVES

(Mr. WYLIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYLIE. Mr. Speaker, when I first heard of the arrangement to release the tapes on Saturday, I felt relieved. This seemed like a happy solution in order to avoid a confrontation on the question of separation of powers, and I thought that maybe we will get Watergate behind us and get on with the country's normal business.

It was my impression that Mr. Cox wanted the tapes to obtain information regarding Watergate. The President has said that he would release the information on the tapes pertaining to Watergate. Senator ERVIN has agreed to this arrangement. Apparently Mr. Cox wanted more and refused to compromise. Mr. Cox threw down the gauntlet.

The President had no alternatives but to ask for his resignation. How can that possibly be a high crime and misdemeanor? What court order has the President disobeyed?

Elliot Richardson made it clear that the President had violated no court order, speaking in his press conference this morning.

Mr. Speaker, let us act like professionals and not guardhouse lawyers.

IMPEACHMENT PROCEEDINGS

(Mr. STEIGER of Arizona asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEIGER of Arizona. Mr. Speaker, I will not belabor this unduly, but I would suggest that perhaps there is a single area of agreement that everybody who is concerned about this problem could confront. One is that the problem is very genuine because the feelings not only in this House but in the Nation are very genuine; two, we have an assigned task before us which can help to alleviate the problem of what to do with the President's apparent disregard for at least the feelings of many people in this country and the feelings of many people in this House, that is, to address ourselves to our constitutional assignment regarding the confirmation of the Vice President designate.

Mr. Speaker, that is a problem we must confront. If we confront that now and dispose of that and confirm the gentleman from Michigan as Vice President, then we can approach completely objectively the problem of whether or not the President is indeed guilty of any high crimes, treason, or misdemeanors.

I urge that we get on not only with the rhetoric that I know is inevitable, but with the constitutional obligation of confirming the gentleman from Michigan.

CRIME DOESN'T PAY—EXCEPT FOR NIXON

(Mr. LEGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, the President has maliciously manipulated the law to suit his mischief by capriciously eliminating a man charged with investigating one of the most odious episodes in our political history. And today the President attempts to kiss off months of frustration of the legal investigative officer's efforts to get the evidence by simply divulging the contents of 10 tape recordings.

The time has come for a body truly independent of and coequal with the executive branch to bring all the facts to the fore. It is abundantly clear that we cannot expect any employee of the present administration to put the handcuffs on his employer. Since Mr. Cox had a staff of more than 80 lawyers, the Judiciary Committee must be authorized to hire at least that number for the purpose of investigating charges including but not limited to the following:

CHARGES

I. Bribery (USCA, 18-203, 18-201(g), 2 years/$10,000). ITT deal, milk deal, Vesco deal. (USCA 18-201(d), 15 years/3X value value of bribe.) Hush money to Watergate defendants. (USCA 201 (b) and (f), 3X monetary equivalent of bribe/15 years.) Offer of FBI to Byrne.

II. Misprision of Felony (USDA 18-4, 3 years/$500). Failure to report break-in of Ellsberg's psychiatrist's office.

III. Wiretapping (USCA 18-2511, 5 years/$10,000). DNC bugging/tapping, 1969 taps on newsmen.

IV. Perjury (USCA 18-1621) and subornation of perjury (USCA 18-1622) (each 5 years/$2,000). Submission of false reports on Cambodian bombing to Congress.

V. Obstruction of criminal investigations (USCA 18-1510, 5 years/$5,000). Use of CIA to prevent FBI investigation of Mexican laundry. Hush payments to Watergate defendants, withholding of information from Ellsberg jury, prohibition of investigation of plumbers, disguising corporate campaign contributions to avoid penalties.

VI. Conspiracy against rights of citizens (USCA 18-241, 10 years/$10,000). Denial of Ellsberg's right to fair trial by withholding evidence.

CONFIRMATION OF VICE-PRESIDENTIAL NOMINEE IS FIRST ORDER OF BUSINESS IN CONGRESS

(Mr. HOGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HOGAN. Mr. Speaker, we have a serious constitutional crisis confronting us. This is not the time for partisan rhetoric but a time for calm, objective, rational deliberation.

If this body is going to seriously consider an impeachment resolution, each Member of the House is comparable to a member of a grand jury who is being asked whether the accused is guilty before the facts are heard. This is especially true for those of us who serve on the Judiciary Committee.

The firing of Special Prosecutor Cox is not the real issue. As the head of the executive branch, the President has the power and the right to fire any appointees in his administration. Firing a subordinate is certainly not an impeachable offense.

Defiance of a court order, however, is another matter and herein lies the constitutional dilemna confronting us. The separation of powers between the three branches of the Federal Government is the cornerstone of our system of government. Can one branch compel the other to do something which the other branch feels contravenes the separation of powers? That is the constitutional crisis facing us. How we resolve it could have ramifications for succeeding centuries.

The solution of this issue is more important than the personality of Richard M. Nixon or the Nixon administration. The consequences are historic and that is why it is so imperative that we be statesmanlike rather than partisan in our deliberations and judicious in our statements.

The Congress has a paramount responsibility before us which takes precedence over impeachment resolutions and all else: that is the prompt confirmation of the President's nominee for Vice President. There is an intolerable vacuum in our Government until this vacancy is filled. We cannot and should not tarry in this discharge of our responsibilities under the Constitution.

Let us get on with this important task

at once before we consider anything else. We cannot even consider impeachment until this question is resolved.

MORE DELEGATED POWER

Mr. GROSS. Mr. Speaker, I assume that you will shortly lay before the House a message from the President requesting $2.2 billion to finance his intervention in the Middle East war.

President Nixon's unilateral intervention—without the advice or consent of Congress—is another demonstration of what takes place when a spineless, irresponsible Congress delegates its powers to a President. Beyond the perilous act of intervention in a war, it leads as in this case to a projected colossal raid on America's already overburdened taxpayers.

Mr. Speaker, I believe it is especially important that those who voted to give the office of President almost unlimited power, as well as those who performed in the role of doves 3 months ago, hear this message. Or have the wings of the Vietnam doves suddenly been stilled by the moulting process in the Middle East?

To the end that all Members will be able to hear and report promptly to their constituents on this proposed $2.2 billion raid on their constituents' pocketbooks, I will urge that a quorum be present when the message is read.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

October 19, 1973.

The Honorable CARL ALBERT,
The Speaker, House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 3:03 p.m. on Friday, October 19, 1973, and said to contain a message from the President concerning emergency security assistance for Israel and Cambodia.

With kind regards, I am

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.
By W. RAYMOND COLLEY.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I believe that the request for $2,200,000,000, or $2,400,000,000 is of sufficient interest to the Members of the House that all Members ought to hear it. Therefore, Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 543]

Adams	Brown, Ohio	Chisholm
Alexander	Buchanan	Clark
Barrett	Burgener	Clay
Beard	Burke, Calif.	Dellums
Biaggi	Burke, Fla.	Derwinski
Blatnik	Butler	Diggs
Bolling	Carey, N.Y.	Dulski
Brown, Mich.	Casey, Tex.	Foley
Fraser	Mailliard	St Germain
Gettys	Michel, Ill.	Sandman
Green, Oreg.	Mills, Ark.	Saylor
Grover	Mitchell, Md.	Scherle
Guyer	Moorhead, Pa.	Skubitz
Hansen, Wash.	Murphy, Ill.	Slack
Harsha	Myers	Spence
Harvey	Poage	Steele
Johnson, Pa.	Quie	Steelman
Jones, Tenn.	Rees	Stuckey
Keating	Roy	Udall
McKay	Roybal	Van Deerlin
Macdonald	Ryan	Veysey

The SPEAKER. On this rollcall, 371 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EMERGENCY SECURITY ASSISTANCE FOR ISRAEL AND CAMBODIA—MESSAGE FROM THE PRESIDENT (H. DOC. 93-170)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed.

To the Congress of the United States:

I am today requesting that the Congress authorize emergency security assistance of $2.2 billion for Israel and $200 million for Cambodia. This request is necessary to permit the United States to follow a responsible course of action in two areas where stability is vital if we are to build a global structure of peace.

For more than a quarter of a century, as strategic interests of the major powers have converged there, the Middle East has been a flashpoint for potential world conflict. Since war broke out again on October 6, bringing tragedy to the people of Israel and the Arab nations alike, the United States has been actively engaged in efforts to contribute to a settlement. Our actions there have reflected my belief that we must take those steps which are necessary for maintaining a balance of military capabilities and achieving stability in the area. The request I am submitting today would give us the essential flexibility to continue meeting those responsibilities.

To maintain a balance of forces and thus achieve stability, the United States Government is currently providing military material to Israel to replace combat losses. This is necessary to prevent the emergence of a substantial imbalance resulting from a large-scale resupply of Syria and Egypt by the Soviet Union.

The costs of replacing consumables and lost equipment for the Israeli Armed Forces have been extremely high. Combat activity has been intense, and losses on both sides have been large. During the first 12 days of the conflict, the United States has authorized shipments to Israel of material costing $825 million, including transportation.

Major items now being furnished by the United States to the Israeli forces include conventional munitions of many types, air-to-air and air-to-ground missiles, artillery, crew-served and individual weapons, and a standard range of fighter aircraft ordnance. Additionally, the United States is providing replacements for tanks, aircraft, radios, and other military equipment which have been lost in action.

Thus far, Israel has attempted to obtain the necessary equipment through the use of cash and credit purchases. However, the magnitude of the current conflict coupled with the scale of Soviet supply activities has created needs which exceed Israel's capacity to continue with cash and credit purchases. The alternative to cash and credit sales of United States military materials is for us to provide Israel with grant military assistance as well.

The United States is making every effort to bring this conflict to a very swift and honorable conclusion, measured in days not weeks. But prudent planning also requires us to prepare for a longer struggle. I am therefore requesting that the Congress approve emergency assistance to Israel in the amount of $2.2 billion. If the conflict moderates, or as we fervently hope, is brought to an end very quickly, funds not absolutely required would of course not be expended.

I am also requesting $200 million emergency assistance for Cambodia. As in the case of Israel, additional funds are urgently needed for ammunition and consumable military supplies. The increased requirement results from the larger scale of hostilities and the higher levels of ordnance required by the Cambodian Army and Air Force to defend themselves without American air support.

The end of United States bombing on August 15 was followed by increased communist activity in Cambodia. In the ensuing fight, the Cambodian forces acquitted themselves well. They successfully defended the capital of Phnom Penh and the provincial center of Kampong Cham, as well as the principal supply routes. Although this more intense level of fighting has tapered off somewhat during the current rainy reason, it is virtually certain to resume when the dry season begins about the end of the year.

During the period of heaviest fighting in August and September, ammunition costs for the Cambodian forces were running almost $1 million per day. We anticipate similar average costs for the remainder of this fiscal year. These ammunition requirements, plus minimum equipment replacement, will result in a total funding requirement of $380 million for the current fiscal year, rather than the $180 million previously requested. To fail to provide the $200 million for additional ammunition would deny the Cambodian Armed Forces the ability to defend themselves and their country.

We remain hopeful that the conflict in Cambodia be resolved by a negotiated settlement. A communist military victory and the installation of a government in Phnom Penh which is controlled by Hanoi would gravely threaten the fragile structure of peace established in the Paris agreements.

I am confident that the Congress and the American people will support this request for emergency assistance for these two beleaguered friends. To do less would not only create a dangerous imbalance in these particular arenas but

would also endanger the entire structure of peace in the world.

RICHARD NIXON.

THE WHITE HOUSE, *October 19, 1973.*

USE OF HEALTH MAINTENANCE ORGANIZATIONS CHAMPUS PROGRAM

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 603 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 603

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10586) to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Louisiana (Mr. LONG) is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield the usual 30 minutes on the minority side to the distinguished gentleman from California (Mr. DEL CLAWSON) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 603 provides for an open rule with 1 hour of general debate on H.R. 10586, a bill to amend title 10, United States Code to authorize the use of health maintenance organizations in providing health care.

H.R. 10586 authorizes dependents of active duty military personnel, and dependents of retired military personnel to utilize health maintenance organizations as an alternative to the health care now provided by the civilian health and medical program of the uniformed services—commonly known as CHAMPUS.

Enactment of this bill is not expected to result in any increased cost to the Federal Government.

Health maintenance organizations—HMO's—are organized systems of health care providing comprehensive services for enrolled members at a fixed-prepaid annual fee. HMO's place great emphasis on preventive services, rehabilitation services, and diagnostic services on an ambulatory basis.

Mr. Speaker, I urge adoption of House Resolution 603 in order that we may discuss and debate H.R. 10586.

Mr. DEL CLAWSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 603 is an open rule with 1 hour of general debate, providing for the consideration of H.R. 10586, authorizing the use of health maintenance organizations as an alternative to the CHAMPUS program.

The purpose of H.R. 10586 is to permit beneficiaries under the CHAMPUS program to utilize health maintenance organizations.

The CHAMPUS program—Civilian health and medical program of the uniformed services—presently is limited to traditional health insurance concepts. This bill would allow the Department of Defense to utilize health maintenance organizations—HMO's—as an alternative to the CHAMPUS program. An HMO is an organized system of health care providing comprehensive services for enrolled members for a fixed prepaid annual fee. The bill would prohibit the Defense Department from entering into a contract which would provide for annual payments by both the beneficiaries and the Government of an amount greater than an estimated annual cost for comparable care provided under the CHAMPUS program.

Dissenting views were filed by Members TREEN, MONTGOMERY, and ARMSTRONG opposing this bill. They note that "prepaid group practice systems are frequently akin to supermarket medicine, with impersonal and uncoordinated care." Further they point out that the Defense Department might be held liable for the quality of the medical care delivered uider the contracts. They oppose passing this bill until HMO's have proved effective.

In September of this year, the House passed a bill, H.R. 7974 from the Interstate and Foreign Commerce Committee to provide funds to assist in setting up HMO's. The present bill, H.R. 10586, is a different piece of legislation reported out by the Armed Services Committee.

Mr. Speaker, regardless of any individual position on the bill, the rule is an open rule and the House, upon its adoption, can work its will.

Mr. TREEN. Mr. Speaker, will the gentleman yield?

Mr. DEL CLAWSON. I yield to the gentleman from Louisiana.

Mr. TREEN. Mr. Speaker, those of us who oppose this legislation are not opposed to the adoption of the rule.

It is a very simple bill, and it should come to the floor and be discussed. We will refrain at this time from making remarks and discussing the proposed legislation. We have no objection to the rule itself.

Mr. DEL CLAWSON. Mr. Speaker, I have no further requests for time.

Mr. LONG of Louisiana. Mr. Speaker, I have no requests for time, and, consequently, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. FISHER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10586) to amend title 10, United States Code, to authorize the use of health maintenance organi..ations in providing health care.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10586, with Mr. ADAMS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. FISHER) will be recognized for 30 minutes and the gentleman from California (Mr. GUBSER) for 30 minutes.

The Chair now recognizes the gentleman from Texas.

Mr. FISHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a rather simple bill. It simply allows dependents and survivors of active duty military and military retirees and their dependents a free choice to make use of health maintenance organizations—HMO's—as an alternative to the CHAMPUS program.

This bill is supported by the administration. To begin with, I emphasize that the use of HMO's is expected to reduce, not increase, the costs to the Government because inpatient hospital days are expected to be reduced. The bill specifically prohibits the Government from entering into any contract with a HMO where the costs exceed the present average costs to the Government and the beneficiary.

Under the CHAMPUS program, enacted in 1956 and later amended, outpatient benefits are provided for retired members and their dependents and also for the survivors of deceased retired members and their dependents and also for the survivors of deceased retired members and dependents of active duty members. Beneficiaries contribute to the cost under CHAMPUS.

CHAMPUS has been popular and now covers about 6 million persons. Under CHAMPUS the main thrust is in treating ailments after they occur, whereas under the HMO emphasis is on prevention. Unlike the limited coverage provided by CHAMPUS, HMO covers vaccinations, rehabilitation services, diagnostic services, baby care, and other treatments designed to prevent serious illness and hopefully avoid the need of so much normal hospitalization and possibly lingering illnesses.

HMO's are organized systems of health care providing comprehensive services for enrolled members for a fixed, prepaid fee. Because their revenues are fixed, their incentives are naturally to keep patients well for they benefit from patient well days, not sick days.

HMO plans have been rather thoroughly tested by such organizations as the Group Health Cooperative of Puget Sound and the widely acclaimed Kaiser Foundation Health Plan, to mention but two. The Kaiser plan serves more than 2½ million members, and is almost 100 percent self-supporting. It has an investment of $350 million of its own money in hospital and clinicial facilities.

The various programs under HMO have been able to reduce, nationwide, traditional average costs per hospital admission from $594, as with Blue Cross and medicare, to the average cost of only $397 under HMO. In other words, the average hospital admission cost under HMO is about one-third—and in some instances one-half—less than the traditional medicare average.

Under the pending legislation, the Secretary of Defense after consulting with the Secretary of Health, Education, and Welfare, could utilize so-called HMO's in providing a variety of vital services which are not now permitted under the law which limits and restricts the coverage of services under CHAMPUS. Membership under this proposed plan would be voluntary—no compulsion whatever on the individual who voluntarily chooses to participate in lieu of the CHAMPUS program. It provides an alternative at no cost whatever to the Government per beneficiary, and indeed over the long pull it will in all likelihood reduce the Government's cost. And it would give the people who participate the same privilege that has been accorded civil services employees for many years.

In conclusion, if you want to enable a lot of people to save a lot of money and at the same time get more services for their investment, here is your chance. It deserves to be overwhelmingly approved.

Mr. GUBSER. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana (Mr. TREEN).

Mr. TREEN. Mr. Chairman, I am reluctant to rise and oppose this because of my great regard for the chairman of our subcommittee, the gentleman from Texas (Mr. FISHER). He has labored effectively and quite fairly for this bill. However, I feel constrained to do so for several reasons.

This legislation is controversial, and, I suppose, for the Committee on Armed Services, more controversial than most, inasmuch as there were 14 votes against reporting the bill favorably. I will quickly cover the five reasons why I oppose this legislation.

First of all, I do not think the soundness of the HMO program or concept has been proven in this country. Despite the fact that we have had HMO's for approximately 40 years, only some 2½ to 3 percent of our population has chosen to avail themselves of this type of medical care. It is true that HMO's are not available throughout the country, but according to the report filed by this committee, approximately 20 percent of our population is within the service areas of HMO's. This would mean some 40 million people have HMO's available, and yet only 5 to 7 million people have chosen that type of medical care.

I am concerned about the Department of Defense placing its stamp of approval on a form of medical care, the soundness of which has not been proven. One of the most successful of these plans—and one which will be cited by the proponents of this legislation—is the Kaiser plan in California.

Let me quote to the Members what Dr. Sidney Garfield, one of the founders of the Kaiser plan said recently, and I quote:

> Prepayment makes medical care a right by eliminating fee-for-service, and for years we have been deeply concerned with our relative inability to keep up with the soaring demand that this right produces, and to maintain a level of service satisfactory to us.
>
> It is distressing to realize that elimination of fees can be as much a barrier to early care as the fee itself. The reason is that when we removed the fee, we removed the regulator of flow into the system.

Continuing to quote Dr. Garfield:

> The result is a massive uncontrolled flood of . . . the well, the worried well, the early sick, and the sick into the point of entry—the doctor's appointment—on a first-come, first-served basis that has little relation to priority of need. The impact of this demand overloads the system and, since the well and worried well are a large component of that entry mix, their usurping of doctor time actually acts as a barrier to the entry of the sick.

That is a founder of the Kaiser plan speaking.

So, first of all, I am concerned about the soundness of the HMO concept. Second, while I concur in the right, and defend the right of doctors to join together in groups of this type, and I defend the right of people to elect this type of medical care—that is a basic element of human freedom—I think it is another thing entirely to have Government encourage this type of program through subsidy, either directly or indirectly.

Third, we are dealing here with a population that is much more mobile than the average population of the country. We are dealing with military dependents primarily. These people move around, and in many States of this country HMO's are actually illegal, or there are legal impediments, and in still other areas there are no HMO's at all.

So the Members can see that for a mobile population the idea of contracting for medical services in advance for a given period of time has serious defects.

Fourth, I am concerned about the cost. I respectfully dissent from the chairman of the committee's remarks about cost. I would not be up here if I were fairly well convinced that this legislation would reduce costs, because I think that is an important factor, but I do not think it is going to reduce costs. This bill does not provide an authorization for funds. Indeed the bill provides, as the proponents point out, that under this program the Department of Defense may not spend more than the combined cost of the CHAMPUS program—but that is the point. Under the CHAMPUS program, the Government is paying approximately two-thirds of the costs and the beneficiaries approximately one-third.

Under this bill the Government may pick up the entire cost. We spent in fiscal year 1973, as the Government's part of the CHAMPUS program, $522 million. The beneficiaries spent approximately $266 million, which made a total expenditure of $788 million. Under this bill the Government could pay all of that.

Assistant Secretary McKenzie came before the committee and said in response to a question that he felt the Government would have to pay about 90 percent of the enrollment fee in order to attract a sufficient number of eligibles into this program. Under the bill the Government legally could pay 100 percent. But if it has to pay 90 percent to attract enough people into this program, that would mean, if we took the fiscal year 1973 for illustrative purposes, that instead of the Government paying $522 million, it would pay $709 million, an increase of $187 million.

I know that the proponents will respond that the HMO program is going to cost less. I will be glad to debate that and the statistics on which that assumption is based.

But, let me get to the fifth and final reason why I oppose this bill. This is an entirely new concept for the Department of Defense. Heretofore our dependents of military people and retired people and dependents of deceased retired military people were entitled, under the CHAMPUS program, to select their own doctors and discuss with their own doctors the type of medical care that each person thought he needed, and that the doctor thought would be needed, and then the patient could elect the type of medical care suggested by the doctor. Under the HMO program the Defense Department would contract with the health maintenance organization and the beneficiary would become legally a third-party beneficiary. That is, the Department of Defense would have a contract with the organization, and the beneficiary would find that his entitlement to services are determined by the interpretation of that contract by the Department of Defense and the health maintenance organization.

What is this going to mean? Whenever an eligible under this program elects an HMO program and finds that the services are not adequate, or that he cannot get the doctor he wants, or that he should have hospitalization, but the HMO says he does not need it and he is not going to be given it, then the complaint would come right back to the Department of Defense and right back to us as Members of Congress. It puts us and the Defense Department in a continual supervisory role over the HMO program.

In summary, who wants this program? The American Medical Association took no position. Another organization, small in number but nevertheless an association of physicians, the American Associations of Physicians and Surgeons opposed this bill. The second largest medical organization in America, the Council of Medical Staffs, opposed this bill.

Do the military people want this program? Do the dependents want this program?

Let me refer the Members to the remarks that were made by the chairman of our subcommittee when we began consideration of this legislation. It was reported by him that in 1968 the Department of Defense commissioned the School of Public Health and Administrative Medicine of Columbia University to conduct a study of CHAMPUS. They reported in 1969 and made recommendations concerning the use of HMO's. This was a study commissioned by the Department of Defense, and these were the recommendations (quoting from Chairman Fisher's statement):

"That the Department of Defense conduct a survey to determine whether or

not an interest exists among persons eligible for the CHAMPUS in having offered to them a program of comprehensive care from civilian sources as an alternative to the present CHAMPUS benefits; that if such interest exists, the Department of Defense work out with one or more prepaid group practice plans a method of giving service families a choice between present CHAMPUS benefits and a prepaid group practice program, on an experimental basis; and that a comparative study of the two alternative modes of medical care delivery be conducted throughout the experimental phase." In other words, they recommended a study be made to determine if there was interest, and if there was, then to conduct a program on an experimental basis. In testimony before our subcommittee in response to a question I asked of the DOD witness, he said, no, that no survey had been made by the DOD to determine if there was interest.

Just the other day we voted on this floor, and some of us were opposed to it, to spend $240 million to experiment with HMO's, to provide grants and certain start-up costs incident to starting up HMO's.

We recognized it to be an experimental program.

I say we should postpone this program by voting down this bill. Let us not give the stamp of approval of the Department of Defense on HMO's just yet; let us find out what happens with the experimental program that this House has approved.

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

Mr. GUBSER. Mr. Chairman, I yield 1 additional minute to the gentleman from Louisiana for the purpose of responding to a question from the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. TREEN. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I was interested in the gentleman's statement that the American Medical Association took no position on this question. I was wondering if that and all other medical associations were given an opportunity to testify, and what if anything was said.

Mr. TREEN. Mr. Chairman, it might be better for someone else to comment on that question. As I understood it this legislation was originally not considered controversial. I do not know that originally notices were sent to them, but they were at a later time. Perhaps the chairman of the subcommittee could answer that.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. TREEN. I yield to the gentleman from Texas.

Mr. FISHER. Mr. Chairman, in response to the gentleman's inquiry, I will tell him that last year when this identical legislation was before a subcommittee of the Committee on Armed Services, the American Medical Association was contacted and given an opportunity to express an opinion. They did not choose to do so, and expressed themselves as being neutral regarding it.

Mr. DICKINSON. Mr. Chairman, I thank the chairman for his reply.

Mr. FISHER. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. CHARLES H. WILSON of California).

Mr. CHARLES H. WILSON of California. Mr. Chairman, I wish to reply to some of the dissent voiced in opposition to the legislation before us. I refer to the CHAMPUS legislation that would authorize the Defense Department to use the facilities of health maintenance organizations as an alternative to the traditional CHAMPUS program.

The proposal, it seems to me, is not complicated. It would simply permit the Secretary of Defense to utilize HMO's where they exist to provide medical care for the dependents of members of the Armed Forces. That these facilities exist is a fact. They exist for nearly 8 million Americans. These HMO's provide high-quality medical care in comprehensive benefit packages in areas that cover 20 percent of our population.

Yet the opposition would have us believe that there is something untried and experimental about such programs.

In an effort to bolster their dissent the opponents of this reasonable proposal quote—out of context, I might add—Dr. Sidney Garfield, a founder of the Kaiser prepaid group medical practice program. Dr. Garfield is quoted as warning that prepaid group practice tends to create a flood of what he calls the worried-well, the early sick, as well as the really sick into the doctors' offices.

Now, of course, if the opponents had read the rest of Dr. Garfield's article in Scientific American, they would have discovered that what he was advocating was a screening process to screen healthy people out or away from the busy doctors.

Of course, there are lots of well people who are worried. But there are obvious ways to handle such problems. These worried-well persons may need some treatment or some attention other than the attention of a busy internist.

Health maintenance organizations have learned to handle such problems the same as individual fee-for-service physicians have learned their lessons. All Dr. Garfield really was saying was that some screening process is a must if a prepaid group practice plan is to keep itself from being overwhelmed by the worried-well and others who may not really need the doctors' time.

The other side of the coin, so to speak, is that there are an uncounted number of Americans who need medical attention but do not go to a doctor simply because of the possibility of catastrophic costs.

It seems to me that, in the name of humanity, it is better to chance the possibility of having to screen out the worried-well so that we may be sure that we take care of the truly ill.

There is nothing extreme about the CHAMPUS proposal before us. It does not state that the HMO concept is the only concept to be utilized. It simply says that if an HMO exists in the area where the Armed Forces dependents are living, and if the CHAMPUS beneficiaries so choose, they may elect, voluntarily, to participate in the HMO program. What's wrong with that? Is not that a kind of freedom of choice that we so often hear advocated.

I am in favor of giving CHAMPUS beneficaries the choice. It will not cost the Government any more money than the CHAMPUS program now costs because the proposed law is written in such a way as to prevent increased costs.

Such alternate medical care plans are already available to medicare and medicaid beneficiaries. We should see that the rapidly growing HMO program is at least made available to CHAMPUS beneficiaries, if they so desire. That is all the legislation asks.

I would add that there is really no difference in the HMO and the regular military hospital.

The gentleman from Louisiana was suggesting that by utilizing HMO's, if I understood him correctly, the patient would be perhaps losing the opportunity of the individual physician and might not be able to go to a hospital, if he so desired, or might not have the personal attention that he would have if he went to an HMO, as contrasted to a private physician.

I think we should remember that the whole CHAMPUS program is designed to utilize private physicians only in those cases where military hospitals are not available to the individual. If a person goes to a military hospital, he has no choice of physician. He has no choice of going into the operating room and having an operation at the individual's request.

I think this is very similar to what a person would have who was to go to a military hospital, where ordinarily the beneficiary of the military would be going, if one were available to him.

The Defense Department is in complete support of this program. They have determined that it does not require any additional experimentation.

The record of the HMO's that are in practice and have been operating for many years now is certainly convincing. There is no reason why we should have to experiment at all.

I hope we can pass this legislation with the minimum amount of difficulty.

Mr. GUBSER. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado (Mr. ARMSTRONG).

Mr. ARMSTRONG. Mr. Chairman, I rise in opposition to the legislation. I do so with some reluctance, because when I initially heard the concept underlying this proposal, it seemed to me a hopeful one. Certainly there is no field for which innovation is more seriously needed than in controlling the costs of a medical practice. It is obvious to all of us the advances in medical science and technology have been matched by a rapid escalation in costs that threatens health care availability to all Americans.

Unfortunately, however, on closer examination, particularly at the urging of the gentleman from Louisiana, I became convinced that there are serious defects in this legislation. I announce my opposition in this perspective, so that Members will know that I do not oppose the concept, but simply this legislation, which I think is premature.

There are four reasons why I shall vote against this proposal. First, because I think it authenticates a concept which at least in part is still experimental.

Regardless of all that may be said, this is not a well accepted concept of medical practice throughout the United States. It is in its essence an experiment.

Second, there have been inadequate data to substantiate the cost projections. Although I am not prepared to say what the costs will be, I personally believe HMO's will cost more, not less, than conventional medical practice.

Third, this legislation will require the Department of Defense to undertake a supervisory burden which it is ill-equipped to handle; that is, the supervision and administration of HMO contracts.

Finally, as my friend from Louisiana has aptly pointed out, there has been little showing that the beneficiaries of this program are interested in having it adopted.

In the absence of any compelling need, and without a showing of interest by those who are to be served by the HMO programs, it seems to me to be wrong to adopt it at this time.

So, Mr. Chairman, for these reasons I shall vote against it, and I urge the Members of the Committee of the Whole to do the same.

Mr. FISHER. Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I would like to thank my subcommittee chairman, the gentleman from Texas (Mr. FISHER) for yielding me this time, and I commend him for being very fair concerning this bill. I say that because I oppose this legislation.

I am sorry that not all of my colleagues could have heard the gentleman from Louisiana (Mr. TREEN) and the gentleman from Colorado (Mr. ARMSTRONG) when they spoke in opposition to this bill. They made some very, very strong points.

Mr. Chairman, I rise in opposition to the bill under consideration which would allow the use of health maintenance organizations as an alternative under the CHAMPUS program. I am afraid if we pass this bill we will only be opening a can of worms that will gnaw away at the presently successful and efficient means of delivering civilian health care for certain dependents of the uniformed services. Furthermore, I feel very strongly that the proposed legislation will lead to increased costs for the Federal Government regardless of the unsubstantiated statements by Department of Defense officials to the contrary. They have no experience on which to base their statements. If it doesn't cost the Government more money, it will in all probability prove to be more expensive to the present beneficiaries of the CHAMPUS program.

The Group Health Association of America, which by the way supports this bill, has admitted in a letter to the House Armed Services Committee that 25 States in the Nation will not allow HMO's or would be restrictive to the development of HMO's. These States are Alabama, Alaska, Arkansas, Georgia, Idaho, Illinois, Indiana, Kentucky, Louisiana, Maine, Michigan, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Texas, West Virginia, and Wyoming.

Mr. Chairman, considering the fact that military personnel are always being transferred from one section of the Nation to another, I just wonder what would happen when a military person is transferred from an HMO State to a State that does not allow HMO's. I am afraid this situation would prove intolerable and would play havoc with the program.

Would a serviceman stationed in California who had paid for a year's medical care under an HMO and was transferred to a non-HMO State after 3 months be refunded for the balance of the year? As you can see there are all kinds of possibilities for administrative headaches.

Those favoring this bill make the argument, with which I disagree, that the traditional fee-for-service method of health care induces physicians to prescribe unnecessary treatment in order to increase their profits. If we assume the existence of that kind of doctor, there is a similar risk that the doctor will under prescribe because that would increase his profits as a member of a health maintenance organization.

Mr. Chairman, I feel very strongly that we are rushing into an area in which there is very limited experience on which to base a firm conclusion of success. For this reason, I urge my colleagues not to tamper with the successful CHAMPUS program and to defeat this bill.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I wonder if the gentleman knows what the States are in which HMO's have been in practice, and for how long, and what their success has been.

Mr. MONTGOMERY. Mr. Chairman, the main States are California and the State of Washington. They have had HMO's for about 40 years.

Mr. DICKINSON. I will ask further, Mr. Chairman, what degree of success have they had there, if the gentleman knows?

Mr. MONTGOMERY. I think all in all there are 2.5 million people in the country who do use the HMO program. As stated, by the gentleman from Louisiana (Mr. TREEN), one of the founders of the Kaiser program said what concerned him most was that it would get too many people coming into the HMO programs and they would not be able to take care of them as stated on the report.

Mr. DICKINSON. As the gentleman knows, I serve on the subcommittee out of which this legislation comes. I have very grave reservations, also, first as to the health aspects of it and, second, because there is no proof whatsoever of need.

Third, let me say we have already set up a pilot program in the Congress in the sum of $240 million to prove the efficiency and the value of HMO's.

I see no reason at this time for us to get the military involved. Is there any assurance now that those who are subject to coverage under the CHAMPUS program will not be forced somewhere along the line to go to the HMO's and lose their present benefits?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FISHER. Mr. Chairman, I yield the gentleman one additional minute.

Mr. MONTGOMERY. There is no assurance. I believe I told the gentleman there were 2.5 million people in the United States covered. I believe the figure is 6 million.

Mr. FISHER. Will the gentleman yield to me?

Mr. MONTGOMERY. I yield to the chairman of the committee.

Mr. FISHER. The gentleman did say there were 2.5 million people covered by HMO's in this country. Actually there are about 7 million people covered, and those are just in the places where it is being used. It now covers 2.5 million people in the Kaiser foundation alone in their health plan. According to their witness, they are highly pleased with it and strongly recommend the enactment of this legislation.

Mr. TREEN. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I am glad to yield to the gentleman from Louisiana.

Mr. TREEN. I was very interested in the gentleman's remarks about the fact that the people in this HMO program, in going from an area where there is an HMO to one is which there is not would have problems. They would also have this problem; under this bill the Department of Defense would contract with each individual HMO and, these contracts could be different in different areas. In other words, you could have a different set of medical benefits from one HMO to the next. That is not only possible, but I think it is contemplated by the legislation. So you would have the problem of the military dependent moving from one set of benefits to a different one.

Mr. MONTGOMERY. Plus, 25 States are not eligible under their State laws.

Mr. FISHER. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. RANDALL).

Mr. HICKS. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield to the gentleman.

Mr. HICKS. Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, I am in favor of H.R. 10586 which would authorize the CHAMPUS program to utilize health maintenance organizations. I think our armed forces personnel and their dependents ought to have the same freedom of choice in health care that other Federal personnel has. Other Federal employees and the beneficiaries of the Social Security Administration's medicare program and the beneficiaries of the medicaid program are permitted to select health maintenance organizations to provide medical care. Or if they desire they may select the traditional health insurance arrangement.

The opponents of this legislation ap-

parently do not understand that HMO's offer their enrollees a more comprehensive health-care package than other programs at no increased cost to the Federal Government. There is nothing new about HMO's. Prepaid group medical practice plans have been in existence in the United States in various forms for about 40 years. They are self-supporting, highly efficient deliverers of quality medical care to their member enrollees. For example, the Kaiser prepaid group practice plan delivers good medical care to approximately 2½ million enrollees.

All that this legislation would do is to lift the restriction the present law has and permit the Defense Department, after consultation with the Secretary of Health, Education, and Welfare, to enter into agreements with existing HMO's to provide health care to CHAMPUS beneficiaries.

This would not cost the Federal Government any more of the taxpayers' money than it now spends on the CHAMPUS program. That cost restriction is written into this legislation.

There are approximately 6 million persons now covered by the CHAMPUS program and the 1973 fiscal year cost of the program was $522 million.

In reading the report of the Committee on Armed Services which recommends passage of the legislation, I note that HMO's, in some cited cases, have been able to cut hospitalization costs for Medicare beneficiaries under the national average. This indicates to me that HMO's can, and do, provide high quality care at greater economy because of their efficiency of operation.

I note also that the Secretary of Defense, under this legislation, would have authority to contract with HMO's without having to adhere to cost-sharing arrangements prescribed in the existing CHAMPUS law and without regard to the prohibitions on certain types of care such as immunization and well-baby care, prescribed in the present law.

The Civilian Health and Medical Program of the Uniformed Services, the full name of CHAMPUS, should be modernized so that the Defense Department can take advantage of the expanding HMO program. I understand that there are already between 7 and 8 million Americans who are voluntarily enrolled in some form of HMO across the Nation. Our CHAMPUS beneficiaries should have the same opportunity to enroll in HMO's if they desire. That is all the legislation proposes. It is a good proposal and should be approved. I urge my colleagues to vote in favor of H.R. 10586.

Mr. RANDALL. Mr. Chairman, I support H.R. 10586 which would give CHAMPUS beneficiaries, about 6 million of them, a choice of medical care. I will emphasize that thought repeatedly in these remarks. That is all this legislation does—provide a choice for beneficiaries.

A rumor is going around the floor as to the high cost of this program. Actually, it will probably be less than some of the alternatives we have been talking about.

This bill in effect provides that if an HMO organization, which means a health maintenance organization, exists and operates in an area, then the beneficiaries in such area may, if they desire, choose to receive benefits from an HMO. That is all there is to the bill.

The gentleman from Mississippi who just left the well listed 25 States that do not have HMO service. Well, there would be no choice in those areas. I was very glad to observe he did not enumerate some of the States in the Midwest such as Kansas, Missouri, and Iowa. We do have some large military bases in the midlands and CHAMPUS beneficiaries will have a choice there.

Mr. FISHER. Will the gentleman yield?

Mr. RANDALL. I am glad to yield to the distinguished chairman of our subcommittee.

Mr. FISHER. In respect to the fact, as pointed out by the distinguished gentleman from Mississippi, that only 25 States now permit HMO's and 25 do not, let me say this:

I think it should be made clear the reason they are not is because of some technicality in the law where the HMO's have to go through some sort of a corporation procedure to quality to operate in that State. So it is a rather technical thing. I might add that several States in recent years have changed their laws, and several of the States are in the act of changing them.

So it is entirely up to Mississippi and Texas and those States that are not now permitting HMO's to operate to change their law, and make use of the HMO's if they see fit, at any time that their State legislatures may choose.

Mr. RANDALL. I thank our subcommittee chairman, the gentleman from Texas, for his comments.

Mr. Chairman, the law as it now exists does not give CHAMPUS beneficiaries a choice of any kind. Present law provides they must receive their medical care from a fee-for-service physician and be reimbursed for covered benefits by an indemnity insurance program. Of course, we are all aware that all other Federal employees as well as the beneficiaries of the medicare and medicaid programs are now permitted by law to choose to receive their medical care from a prepaid medical group practice plan. Only CHAMPUS—which means civilian health and medical program for the uniformed services—only CHAMPUS beneficiaries are not provided this choice.

Mr. Chairman, I confess to be no great expert on matters concerning HMO's. I did enjoy a conversation a few minutes ago with our colleague from Kansas, Dr. ROY, whom I see is getting ready to participate in this debate. The gentleman can be very convincing as to the merits of the HMO plan in rebuttal of some of the arguments that have been heard on the floor here a few moments ago.

The proposed bill specifically states that no more of the taxpayers' money can be spent to institute this new program. So no matter what rumors you hear it will not cost the Government any more money. Regardless of some of the careless allegations that may have been made, there will be no added cost and in the long run it may very well cost less.

Now, what may not be realized is that the prepaid group medical practice plans have existed in the United States in one form or another not just for a matter of 2, 3, 4, or 5 years, but for 40 long years. Right now these HMO's provide for and serve the needs of about 8 million Americans of all ages. These programs have been self-supporting, and are regarded by knowledgeable persons in the health field as highly efficient programs, and from some small measure of personal experience I can report that they give quality medical care for their enrollees.

I am sure the Members all know about the Kaiser plan out on the west coast. Here in Washington, D.C., there are three such HMO's, the best known of which is the Group Health Association, which dates back to 1937, and which now has about 90,000 enrollees. Mr. Chairman, I neglected to mention that the enrollees in the Kaiser plan number about 2.5 million.

Now is the time for Congress to modernize the CHAMPUS program. Let us make it possible for the members and their dependents to take advantage of this—and, note this—only if they so desire, of the medical care facilities of prepaid practice plans, if those plans are available in the area they reside. Of course, we have all just been exposed to the fact that in some of the States the choice may not be available.

Mr. Chairman, if we enact this legislation it does not mean endorsement for any single kind of medical program. There was an expression of fear or worry awhile ago by someone that we are putting the stamp of approval of the Government on the HMO plan if we pass this bill. This is not true, all we are providing for is freedom of choice. And the obvious question is why should we deny only the beneficiaries of members of the Armed Services this freedom of choice?

The Nation today is spending an estimated $83 billion annually for medical care. There are those who feel—and I am among them—that the American people are not really getting their money's worth. Prepaid group practice plans are one way that the American people can get more for their money. I am convinced on the record of several such prepaid group practice plans, that these HMO's can and do offer high-quality medical care at reasonable cost. In some cases, I have determined, these programs can cut overall costs because of their efficiency of operation and because of greatly reduced hospital utilization.

Mr. Chairman, the opponents of this legislation would have us believe that we would be making guinea pigs out of 6 million members of the Armed Forces and their dependents. Nothing could be farther from the truth. These programs have been in existence many years and the results are well documented.

Mr. Chairman, I urge my colleagues to support H.R. 10586 and to enable CHAMPUS beneficiaries to participate, if they choose, in existing medical care plans that already are available to all other Federal employees.

Mr. GUBSER. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Chairman, I rise for

the purpose of asking a question or two. I think the Members recall that our committee, the committee on Interstate and Foreign Commerce, came out with an HMO bill a while back.

The bill we are now considering includes language prohibiting annual payments to a beneficiary which would exceed the estimated average annual cost for comparable care that could be provided under the cost-sharing provisions of CHAMPUS. I do not know what provisions are in CHAMPUS for payments for health care, but this language would imply that any payments which would be permitted under CHAMPUS would also be permitted for an HMO.

The things we sought in the HMO bill was to provide that a premium for an enrollee would not be payed by the Government. The reason for this was that, if we do that, really what we would be doing would be to put the Government in competition with existing health care delivery systems, which would be unfair.

So I am wondering, would this lead to a Federal Government payment of premiums where an enrollee was shifted from the CHAMPUS program to the HMO? This is a question that I think we ought to clear up.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Texas.

Mr. FISHER. I thank the gentleman for yielding.

In response to the question by the gentleman from Minnesota, I think there is some confusion in that area which I recognize, but, as I understand it, we now pay on a contributing basis with the beneficiaries as the Government does under the CHAMPUS program. That sort of thing would be continued, as I understand it, under the HMO, if that service is chosen by those who would have the option to do so. The purpose, as I understand it, of the amendment that was added to the bill after it was sent up to the Congress was to put a ceiling on the total amount that could be spent to be sure that it would not cost any more than it would under the CHAMPUS program. That is the purpose of it.

Mr. NELSEN. I think that is a laudable provision. However, in the deliberations in our committees, we felt that HMOs should be encouraged. However, we did feel that the idea that the premium be paid for by the Government, or part of it, would put the existing medical delivery system at a disadvantage because one would be subsidized and the other would not be. However, we want the HMO to have a chance. I do not know what the ramifications here would lead to, but I just want to call that to the Members' attention, and I hope the understanding is that we do not move in a subsidy direction.

As far as the pre-emption is concerned, some of the States do not permit an HMO. In our bill there was a preemption provision but we struck it in markup and I hope we will hold firm in conference—so it is not in the House bill now. We feel the States ought to make their own decisions on these matters.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GUBSER. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. TREEN).

Mr. TREEN. In connection with the remarks of the gentleman from Minnesota who was just in the well, I wanted to make sure that my understanding and that the understanding of the committee is correct with respect to how much the Federal Government may pay under this program. Is it not true under this bill that the entire cost of the program, that is, the entire enrollment fee may be paid by the Government and that under the CHAMPUS program approximately one-third of the cost of medical care is paid for by the beneficiary and approximately two-thirds by the Government?

Under this bill the limitation is that the Government may not pay more than the total combined cost to the Government and the beneficiary, but there is no restriction on what percentage of that total the Federal Government may pay; is that correct?

Mr. FISHER. I think the legislation speaks for itself. It is quite clear, I think, that it does provide a ceiling over which the total cost cannot be increased. If through the operation of this system we can save the beneficiaries any money, I am sure the gentleman from Louisiana will agree with me that that would be a laudable objective, and that may very well be the result of what we are undertaking here.

Mr. TREEN. Mr. Chairman, if the gentleman will yield further, that may be a laudable objective. I was only trying to clear up the proposition that the Government itself may end up paying a greater percentage of the total medical costs of this program than it did under the present CHAMPUS program.

Mr. FISHER. I think the gentleman's concern is not well founded. When this thing is implemented, if and when it is enacted into law, the Secretary of Defense in collaboration with the Secretary of Health, Education, and Welfare would work out programs and contracts and take into account all these things and make appropriate provisions in those contracts or those arrangements that are worked out to see to it that it does not cost the Government any more money than is now paid under the CHAMPUS program. I think we have a right to assume that they will follow that obligation which stems from the wording of the law we are dealing with here today.

Mr. TREEN. I thank the gentleman. I hope he is correct.

Mr. FISHER. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. LEGGETT), an author of one of the bills.

Mr. LEGGETT. Mr. Chairman, I would like first to commend the chairman of the subcommittee and the chairman of the full committee and those members of the full committee who were enlightened and voted for this legislation and for reporting the bill out in the form in which we have it on the floor today.

I think that this bill is correlative to the legislation which we passed on this floor just a few weeks ago by a vote of 369 to 40, where we agreed we wanted to stimulate at a total Federal cost of about $250 million—the Senate bill is about $800 million and we will have to get together on a hybrid form—but we indicated and very strongly that we wanted to encourage not only Kaiser but also all other doctors in the United States to get together in the form of these HMO's to give better treatment to people.

The gentleman from Louisiana has had some trepidation about this legislation and I think the trepidation is sincere but I do not believe that it is well founded. To begin with, the allegation is made that the soundness of these programs has not been proven. They have been proven in 40 years in California with the Kaiser program and with a great number of other people and organizations around the country. While we have 2.5 million who are subscribers in the State of California and three other Western States, we can see that merely allowing for creation of HMO's does not mean that the HMO's totally dominate the scene.

As far as allowing the program to interrelate with other Federal systems, we have the precedent of Federal employees where the Federal departments are allowed to contract with Kaiser and other health medical organizations for civil servants and for Federal civil service retired people, and I think that is an excellent precedent.

The question is also raised that HMO's allow for over treatment of the well and the worried well. I think that if that is true we run into the same problem with the Veterans' Administration treatment and with the Army and Navy and Air Force hospital treatment, because that is exactly the system they have, and if the Members of the House will consider it just for a moment, that is exactly the system we have. We have in fact through the Capital physician's services a health maintenance organization that we take advantage of.

The statement is made that the Government should not encourage these HMO's. We are not encouraging here just the Kaiser program. We are encouraging every single group of private doctors in the country to get together under the bill we passed a few weeks ago and at the same time dovetail that legislation in with the pending bill.

The statement is made that mobile populations will be confused and hampered by this legislation. That is not true at all because we have 7 million members of group health organizations around the country today who, when they are injured or suffer trauma or malaise outside the group health area of treatment, are treated in private facilities and that bill is then taken care of by the group health organization.

As far as cost, as cited at pages 143 and 144 of the report, we have adequate proof under the social security system that, for the Federal employee health benefits programs, under Blue Cross system, the annual hospital utilization rate is 878 days per 1,000 subscribers.

Under group health program, annual hospital utilization is 418 days per 1,000 subscribers. Under the budget experimentation, the average cost was $594 per

participant, per hospital admission. Under the group health cooperative program, the average cost was $387, substantiating the fact that we save in fact about a third by allowing the Government, and particularly the Department of Defense, to participate if they want to.

This is a "may" situation. This is a "may" bill. They may contract and allow some participation in this program.

The question is raised, is there a demand? I would say that there is, because I receive calls every week in my offices in California from people demanding a better service than they are currently getting, because the existing military hospitals cannot handle the CHAMPUS beneficiaries. They do not like, some of them, to go out into the private arena. They would rather be covered by a type of HMO capability. That is exactly what they are used to in the Air Force hospitals, the Army hospitals, the Navy hospitals, and I think if we want to be fair to these dependents, we will enact this legislation without hesitation.

Mr. Chairman, we have here today a bill which will finalize the action we took 6 weeks ago when we passed legislation to assist in the development of health maintenance organizations. This bill will make the use of those facilities available to the millions of CHAMPUS beneficiaries in the United States who are currently not able to do so under the auspices of that program. It is also very good news for those of us with an interest in saving Federal money, for there is specific provision here that this bill shall not cost us one penny more than we are paying for health care for military beneficiaries; all it does is to allow these people to choose the kind of health care they want. The CHAMPUS budget will continue to cover the costs as it has in the past, with no expansion of it asked or required.

That is just one problem the bill meets. Another is the problem we face with doctors in uniform. We have a severe crunch in military medicine in that we cannot get doctors, our hospitals are overcrowded, and our potential caseload in those hospitals grows every day. We enacted the CHAMPUS bill to allow dependents and retirees to overflow into the private sector, and even that proved inadequate. These dependents and retirees object to being treated outside of military hospitals not because they object to the quality of care in the civilian sector, but because they are used to the type of care where they get all their medical services in one place, and they like it. My own district has a large number of military people, and I can document this from letters I have received. So what we would do here would be simply to make this type of care an option for them in the civilian sector, thus helping to release military medical facilities for the care of the active duty military without abandoning their other patients.

I would like to point out further that we have hospitals that we just built that are being underutilized; we must come up with better ways to utilize them beyond what we currently have available. The House has already recognized the efficacy of the HMO approach by passing the HMO assistance bill by the overwhelming vote of 369 to 40. Additionally, I might point out that the committee reported a bill identical to this one in the 92d Congress, but it was not called up for a vote on the floor. We are not trying to break hard ground with any wild-eyed new proposals here, we are justifying to provide medical care to those to whom we have that obligation at the least possible cost.

Since we seem to keep coming back to cost whenever we talk about medical care, let me point out another very significant point in that regard. Members are, I am sure, acutely aware of the high cost of providing medical care; in that regard HMO's have established a tremendous record in lowering that cost. The hearings on this bill produced the fact that some HMO's have been able to deliver health care services at one-third less cost than the Federal Government is paying through the medicare program. Certainly there is no good reason why we should not be eager to avail ourselves of savings of that magnitude.

Mr. Chairman, in the final analysis this bill does nothing more than to give CHAMPUS beneficiaries medical parity with the rest of the United States; however, desirable side effects of this action abound. It will cost us not one dime more than we are now paying, it introduces flexibility into the medical programs we have available, and it releases badly needed military medical space and manpower to its primary task, that of caring for the active duty military. I strongly recommend that we pass the committee's bill as reported.

Mr. GUBSER. Mr. Chairman, I yield 3 minutes to the chairman of the committee, the gentleman from Texas (Mr. FISHER).

Mr. FISHER. Mr. Chairman, I yield to the gentleman from Michigan (Mr. NEDZI).

Mr. NEDZI. Mr. Chairman, the purpose of the legislation before us is simple enough. It would enable the Defense Department to take advantage, under the CHAMPUS law, of qualified health maintenance organizations in providing Armed Forces beneficiaries with health care. The Defense Department states that such an alternate system would not cost the Federal Government any more money that the present program, which totaled $522 million for fiscal year 1973.

The CHAMPUS law is now written in such a manner as to limit the operation of the program to the health insurance indemnity concepts and methods as traditionally utilized.

The HMO concept, as I understand it, provides for the delivery of direct medical care to the beneficiaries who are enrolled in such programs. A fixed prepaid fee would be paid by the Defense Department for each enrollee. These HMO's, or prepaid group medical practice plans, are organized systems of health care providing comprehensive medical services.

The HMO concept is not new nor is it experimental. There are an estimated 8 million Americans currently enrolled in such programs in several States.

These existing HMO plans provide high quality medical care to their enrollees of all ages. These HMO's are organized in various ways but they all provide their enrollees with a mixture of outpatient and hospital care through a single organization and under a single payment mechanism.

I am particularly attracted to the finding that because HMO revenues are fixed the incentives are to keep patients well because HMO's benefit from healthy patients and not sick ones. I am assured that the cost structure of the prepaid group practice program is designed to prevent illness and to promote prompt recovery.

I have always thought that to some extent it is unfortunate that our traditional medical care system seems to emphasize restoring health when sickness occurs rather than emphasizing the maintaining of health and the prevention of costly illness.

The experience of the Federal employees health benefits program has amply demonstrated that HMO's can reduce the expense of hospitalization while, at the same time, furnishing a broad array of health care benefits on a quality basis.

I am convinced that opening up the CHAMPUS program to permit our Armed Forces' dependents to utilize prepaid group practice plans, if they so desire, is a sound and economically feasible proposal. It is a step in the right direction to bringing higher quality medical care to those who are entitled to participate in this program.

Everything about the changes proposed in the CHAMPUS law makes good sense and I urge my colleagues to support this sensible and potentially cost-saving option for CHAMPUS beneficiaries.

Mr. FISHER. Mr. Chairman, I yield to the distinguished gentleman from Kansas (Mr. ROY).

Mr. ROY. Mr. Chairman, I rise in support of H.R. 10586. As I understand the bill, after closely listening to the debate, it will provide a choice to CHAMPUS beneficiaries of care from either an HMO or the traditional health care systems in the area.

There has been some comment that HMO is not sound.

After many weeks of study in our subcommittee, we concluded that the concept is sound. We have closely examined the many HMO's that care for over 6 million people in this Nation. There is strong evidence that they care for people for a lesser cost because they are an organized system of medical care, and under this system of prepaid, relatively comprehensive benefits, HMO's are able to care for people in appropriate facilities and with appropriate personnel.

I will not take your time to speak to many other points made by the opposition. They have been adequately answered but I think one is particularly important. That is the point that there are a number of states which presently have laws which appear to prohibit HMO's. Many times these laws appear to prohibit HMO's and after a period of time and study are found not to prohibit HMO's.

I want to point out that the laws,

where they exist, were not conceived as laws to prohibit HMO's. They date back to the 1930's, when Blue Shield laws were established for provider insurance programs. Some require, for example, that the Board of Directors be entirely physicians or a majority be physicians. This kind of law was not intended to prohibit HMO's. They were good laws for the purposes of establishing Blue Shield, but not for the purposes of establishing HMO's.

Mr. Chairman, in closing I want to place the emphasis on choice. I think the reason our subcommittee and this House decided by an overwhelming margin to assist in the establishment of HMO's is because we felt that we were introducing an element of competition in the health-care delivery system. I do not think any of us who support HMO legislation conceive that HMO's will become the only system of health care in this country. We want people wherever possible to have a choice and the benefits which ordinarily come from competition in our great free enterprise system to be available to all who seek health care. In order to make these benefits of competition available, we have properly passed a law which permits medicare and medicaid beneficiaries to choose whether to receive their health care from HMO's or from the traditional system.

The bill is one more step to permit freedom of choice of the individuals—in this case CHAMPUS of recipients—whether they purchase health care from HMO's.

Today everyone who pays for their own health care has this choice. I think those who are assisted in their medical care by CHAMPUS should also have a choice.

I want to compliment the gentleman from Texas (Mr. FISHER) and the others on the committee for bringing this bill to the floor.

I would also like to say, this is an enlightened approach by the Defense Department bill.

I urge support of this bill and yield back the balance of my time.

Mr. GUBSER. Mr. Chairman, I yield myself such time as I may consume.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from Illinois briefly.

(By unanimous consent, Mr. ANDERSON of Illinois was allowed to speak out of order.)

ANNOUNCEMENT THAT PRESIDENT NIXON WILL TURN OVER TAPES

Mr. ANDERSON of Illinois. Mr. Chairman, I merely want to inform the Members that according to the UPI at 2:28 p.m., President Nixon has agreed to turn over the secret Watergate tapes for judicial review.

Mr. GUBSER. Mr. Chairman, I rise in support of this bill as one of its coauthors.

First, I would like to address myself to some of the points that have been made in good faith by the opponents of this bill. It has been mentioned there were 14 Members in the Armed Services Committee who voiced their opposition. It so happened that I was not present that day, but it is my understanding there was a great lack of information and a great deal of misunderstanding which permeated the committee room.

It is my considered opinion that if a vote were to be held today, there would be considerably less than 14 votes in opposition.

It has been said today that HMO's are bad medicine. The Kaiser plan has been mentioned. I happen to have several thousand constituents who are subscribers to the Kaiser plan. All that I have spoken to unanimously approve it as a very marvelous health care plan and they are very well satisfied.

Representatives of the California Medical Association have come into my office and told me that they have no objection to health maintenance organizations. All they ask is that organized medicine be given a chance to participate in the policymaking.

If the California Medical Association, which is an adjunct of the American Medical Association, is not opposed to HMO's, why are they bad medicine?

The opposition has quoted a former official of the Kaiser plan. I would like to counter that with a statement from a study of the "military medicare" conducted by the Columbia University School of Administrative Medicine and Public Health.

It says, and I paraphrase it in an effort to save time, that the Government has recognized the potential value of prepaid group practice plans, and goes on to say, in effect, that the CHAMPUS program is a likely place to extend the HMO principle. This is from the Columbia University School of Administrative Medicine and Public Health.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from Texas.

Mr. FISHER. It should be emphasized that since the Kaiser plan has been referred to by those who have reservations under this, it should be emphasized that the Kaiser spokesman before our committee is strongly in support of this legislation. It should also be emphasized that the Kaiser plan covers 2.5 million voluntary beneficiaries and costs the Federal Government not one dime.

Mr. GUBSER. I thank the gentleman.

The question of whether HMO is good medicine or not is not the point at issue here today. That issue was settled several weeks ago when this House in its wisdom determined that $244 million of the taxpayers' money should be used to subsidize the development of HMO's.

Mr. Chairman, there is no subsidy in this bill. This is not going to cost any more than the CHAMPUS program will already cost. This House has made the decision that HMO's are a worthwhile area to pursue. So that is not the issue before us today.

What is the issue? The issue is: Shall we discriminate against the dependents, the civilian dependents of military personnel, simply because their fathers or their guardians happen to wear the uniform of the United States? All this bill does is to give exactly the same option to the Department of Defense in the care of civilian dependents as it gives to the dependents of the Federal employees.

Why should we discriminate against a person, a civilian, because his parent happens to be in the uniformed services?

This is only a test. It is not an endorsement of health maintenance organizations; it is not mandatory; it does not penalize a patient who transfers from an HMO area to one which is not an HMO area, because he is covered by contract and his HMO must pay for the cost of his care in that non-HMO area. At the very worst, he still is allowed the benefits of the CHAMPUS program.

This bill does not deny him a thing if he transfers; it only adds to his options.

Mr. Chairman, we are not putting the Government into the medical business by this bill. We are in it. It costs $2,200,000,000 a year for military medicine, of which $522 million is the cost of the CHAMPUS program.

This bill could save money, because if we will look at page 4 of the report, we will find that invariably the people who are enrolled in group hospital plans spend less time in the hospital than those who are covered under individual health insurance policies. This could save money.

Basically a health maintenance organization is an organized system of health delivery which renders or arranges for the provision of health services to a defined population on a prepaid basis. The services are delivered through a medical group comprised of qualified personnel in the necessary specialties, who are either directly employed or are in a contractual relationship with the prepaid group practice plan. The advantages to the subscribers of health services are numerous. The emphasis is placed on outpatient preventive care, avoiding costly hospitalization except where necessary.

In prepaid group practice plans we have what can be called one-stop care with a full range of comprehensive services offered in a single setting. Because the plans are prepaid the expense of illness or injury at the time it occurs, when the consumer can least afford it, is avoided.

Mr. Chairman, and members of the committee, this legislation is long overdue. The report on the legislation shows that we are now spending $522 million for the CHAMPUS program. Like health costs generally, coupled with inflation, we can expect even higher costs in the next few years. In providing this option to CHAMPUS beneficiaries an element of cost control is possible. In fact, in the 1967 Report of the President's National Advisory Committee on Health Manpower, it was concluded that prepaid organized systems that provide health care on a direct service basis have been able to give high quality care with maximum economic efficiency. Moreover, a study of enrollment and utilization of health services under the Federal employees health benefits program, conducted under the auspices of the Health Services and Mental Health Administration, prepared by an eminent health economist, George Perrott, shows some fairly dramatic differences between prepaid group practice and indemnity type plans. For example, hospital utilization

is from one-third to one-half that of the other plans. The rate of inpatient surgical procedures are significantly lower. The hearings cite data from the Perrott studies. Page 4 of the report cites some of this supporting data. I suggest to you that the evidence and the experience of these programs over the last 25 years make it a demonstrable fact that a qualified HMO will more than adequately serve the health needs of those eligible CHAMPUS beneficiaries who choose them.

Additional reasons why the military should be interested in the potential of prepaid group practice are the crowded conditions which presently prevail in military outpatient facilities, the limitations on preventive and diagnostic benefits under CHAMPUS—by contrast with their availability to beneficiaries using military facilities—and the utility of the group practice plans as potential yardsticks for measuring the quality of care throughout the program.

We recommend that CHAMPUS embark on a series of steps designed to bring the program abreast of the other Federal programs in its capacity for growth, evolution, and experimentation.

Mr. Chairman, the supporting evidence in favor of this legislation is conclusive. This bill is a modest proposal which can help improve the administration of the CHAMPUS program by the Department of Defense. It deserves the strong support of the House of Representatives.

The CHAIRMAN. The gentleman from California (Mr. GUBSER) has yielded back the balance of his time.

The gentleman from Texas (Mr. FISHER) has 2 minutes remaining.

Mr. FISHER. Mr. Chairman, I yield myself those remaining 2 minutes.

I do that for the purpose of underscoring and emphasizing the point which the gentleman from California (Mr. GUBSER) just made when he said that under the HMO's relative to admissions to the hospital, the time consumed in admissions into the hospital is much less than under the traditional systems which we are generally familiar with and to which many of us are often subjected.

Actually, nationwide, in the millions of instances upon which those statistics are based, it has been found that hospital admissions for individuals run about $594 for the Blue Cross and the medicare people.

Mr. Chairman, do the Members know what it runs under HMO's?

It is one-third less, $387. It runs one-third less than it does for the traditional, ordinary hospital admission. That is because they treat them in a manner that prevents them from having to go to the hospital.

It is a great program, Mr. Chairman, and it should be promptly approved overwhelmingly by this committee.

Before closing, however, Mr. Chairman, I want to tell this committee of the valuable service Mr. DAVID TREEN renders to the Armed Services Committee and to subcommittee No. 2 of that committee, which I have the honor to chair. He always sees that both sides of every question are explored. He has rendered that service to the Members of the House today. I commend him on the excellent presentation.

Nevertheless, I urge your support of H.R. 10586.

Mrs. HOLT. Mr. Chairman, I rise to express my opposition to H.R. 10586 which would authorize the Department of Defense to contract with Health Maintenance Organizations to provide health care to the beneficiaries of the Department's CHAMPUS program for retired servicemen, the dependents of active military personnel, and survivors of deceased active duty and retired servicemen.

CHAMPUS is a good program and I believe that it should be expanded to include preventive medicine; that is, physical examinations and immunizations. I feel that the evidence is less than conclusive that Health Maintenance Organizations will add tangible improvements to the CHAMPUS program. I am concerned that this legislation would put an official Department of Defense stamp of approval on HMO's which at this point are still in the experimental stages. There is also the distinct possibility that the widespread use of prepaid group practice systems will result in impersonal and uncoordinated health care.

There are a number of questions which should be answered concerning Health Maintenance Organizations before opening up CHAMPUS to this mode of health care. Congress recently adopted an authorization bill for HMO experimentation. It would seem to me that it would be more prudent to wait until we can evaluate the results of this experimentation before altering the CHAMPUS program.

All of us are concerned about improvements in the delivery of health care services. However, we must exercise caution that in our efforts to improve the system, we do not destroy existing well-functioning programs.

For these reasons, and the fact that HMO's are currently not available in 25 States, I must oppose the passage of H.R. 10586.

The CHAIRMAN. All time having expired, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 55 of title 10, United States Code, is amended as follows:

(1) By adding the following new section at the end thereof:

"§ 1089. Use of health maintenance organizations

"In carrying out the provisions of section 1079 and 1086 of this title, the Secretary of Defense, after consulting with the Secretary of Health, Education, and Welfare, may contract, under the authority of this section, with health maintenance organizations as identified by the Secretary of Health, Education, and Welfare. The provisions of such a contract may deviate from the cost-sharing arrangements prescribed and the types of health care authorized under sections 1079 and 1086 of this title when the Secretary of Defense determines that such a deviation would serve the purpose of sections 1071 through 1089 of this title. Such a contract, however, may not provide for annual payments per beneficiary, by the Government and a beneficiary, of any amount greater than the estimated average annual cost for comparable amounts of care of similar quality provided under the cost-sharing arrangements prescribed in sections 1079 and 1086 of this title.".

(2) The analysis is amended by adding the following item:

"1089. Use of health maintenance organizations.".

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ADAMS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10586) to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care, had directed him to report the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. TREEN. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 345, nays 41, not voting 48, as follows:

[Roll No. 544]

YEAS—345

Abdnor	Burke, Mass.	Denholm
Abzug	Burleson, Tex.	Dent
Adams	Burlison, Mo.	Dingell
Addabbo	Burton	Donohue
Anderson, Calif.	Byron	Dorn
Andrews, N.C.	Camp	Drinan
Andrews, N. Dak.	Carey, N.Y.	Duncan
Annunzio	Carney, Ohio	du Pont
Arends	Carter	Eckhardt
Ashley	Cederberg	Edwards, Ala.
Aspin	Chamberlain	Edwards, Calif.
Badillo	Chappell	Eilberg
Bafalis	Chisholm	Erlenborn
Baker	Clancy	Esch
Barrett	Clark	Eshleman
Bauman	Clausen, Don H.	Evans, Colo.
Beard	Clay	Evins, Tenn.
Bell	Cleveland	Fascell
Bennett	Cohen	Findley
Bergland	Collier	Fish
Bevill	Collins, Ill.	Fisher
Biester	Conable	Flood
Bingham	Conte	Ford, William D.
Blackburn	Conyers	Forsythe
Boggs	Corman	Fountain
Boland	Cotter	Fraser
Bowen	Coughlin	Frelinghuysen
Brademas	Cronin	Frenzel
Brasco	Culver	Frey
Bray	Daniel, Dan	Froehlich
Breaux	Daniels, Dominick V.	Fulton
Breckinridge	Danielson	Fuqua
Brinkley	Davis, Ga.	Gaydos
Brooks	Davis, S.C.	Giaimo
Broomfield	Davis, Wis.	Gibbons
Brotzman	de la Garza	Gilman
Brown, Calif.	Delaney	Gonzalez
Broyhill, N.C.	Dellenback	Grasso
Burke, Calif.	Dellums	Gray
		Gubser

Gude	Martin, N.C.	Selberling
Gunter	Mathias, Calif.	Shipley
Guyer	Mathis, Ga.	Shoup
Haley	Matsunaga	Shriver
Hamilton	Mayne	Shuster
Hanley	Mazzoli	Sikes
Hanna	Meeds	Sisk
Hanrahan	Melcher	Skubitz
Hansen, Idaho	Metcalfe	Smith, Iowa
Harrington	Mezvinsky	Smith, N.Y.
Harsha	Michel	Snyder
Hastings	Milford	Staggers
Hawkins	Miller	Stanton,
Hays	Minish	James V.
Hébert	Mink	Stark
Hechler, W. Va.	Minshall, Ohio	Steed
Heckler, Mass.	Mitchell, Md.	Steelman
Heinz	Mitchell, N.Y.	Steiger, Ariz.
Helstoski	Mizell	Steiger, Wis.
Henderson	Moakley	Stephens
Hicks	Mollohan	Stokes
Hillis	Morgan	Stratton
Hinshaw	Mosher	Stubblefield
Hogan	Moss	Stuckey
Holifield	Murphy, N.Y.	Studds
Holtzman	Natcher	Sullivan
Horton	Nedzi	Symington
Hosmer	Nichols	Talcott
Howard	Nix	Taylor, Mo.
Hudnut	Obey	Taylor, N.C.
Hungate	O'Brien	Teague, Calif.
Hunt	O'Hara	Teague, Tex.
Hutchinson	O'Neill	Thompson, N.J.
Ichord	Owens	Thomson, Wis.
Jarman	Passman	Thone
Johnson, Calif.	Patman	Thornton
Johnson, Colo.	Patten	Tiernan
Jones, Ala.	Pepper	Towell, Nev.
Jones, N.C.	Perkins	Ullman
Jones, Okla.	Pettis	Vander Jagt
Jones, Tenn.	Peyser	Vanik
Jordan	Pickle	Vigorito
Karth	Pike	Waggonner
Kastenmeier	Podell	Waldie
Kazen	Preyer	Walsh
Keating	Price, Ill.	Wampler
Kemp	Price, Tex.	Ware
Ketchum	Pritchard	Whalen
King	Railsback	White
Kluczynski	Randall	Whitehurst
Koch	Rangel	Whitten
Kuykendall	Regula	Widnall
Kyros	Reid	Wiggins
Latta	Reuss	Williams
Leggett	Rhodes	Wilson, Bob
Lehman	Riegle	Wilson,
Lent	Rinaldo	Charles H.,
Litton	Roberts	Calif.
Long, La.	Robison, N.Y.	Wilson,
Long, Md.	Rodino	Charles, Tex.
Lujan	Roe	Winn
McClory	Rogers	Wolff
McCloskey	Roncallo, Wyo.	Wright
McCollister	Roncallo, N.Y.	Wyatt
McCormack	Rooney, N.Y.	Wydler
McDade	Rooney, Pa.	Wylie
McEwen	Rose	Wyman
McFall	Rosenthal	Yates
McKinney	Rostenkowski	Yatron
McSpadden	Roush	Young, Alaska
Madden	Roy	Young, Ga.
Madigan	Runnels	Young, Ill.
Mahon	Ruppe	Young, S.C.
Mailliard	Sarasin	Young, Tex.
Mallary	Sarbanes	Zablocki
Mann	Schroeder	Zion
Martin, Nebr.	Sebelius	Zwach

NAYS—41

Archer	Flowers	Moorhead,
Armstrong	Flynt	Calif.
Ashbrook	Ginn	Nelsen
Broyhill, Va.	Goldwater	Parris
Clawson, Del	Goodling	Powell, Ohio
Cochran	Green, Pa.	Quillen
Collins, Tex.	Gross	Rarick
Conlan	Hammer-	Robinson, Va.
Crane	schmidt	Rousselot
Daniel, Robert	Holt	Ruth
W., Jr.	Huber	Satterfield
Dennis	Landgrebe	Symms
Devine	Landrum	Treen
Dickinson	Lott	Young, Fla.
Downing	Montgomery	

NOT VOTING—48

Alexander	Burke, Fla.	Green, Oreg.
Anderson, Ill.	Butler	Griffiths
Biaggi	Casey, Tex.	Grover
Blatnik	Derwinski	Hansen, Wash.
Bolling	Diggs	Harvey
Brown, Mich.	Dulski	Johnson, Pa.
Brown, Ohio	Foley	McKay
Buchanan	Ford, Gerald R.	Macdonald
Burgener	Gettys	Maraziti
Mills, Ark.	Ryan	Stanton,
Moorhead, Pa.	St Germain	J. William
Murphy, Ill.	Sandman	Steele
Myers	Saylor	Udall
Poage	Scherle	Van Deerlin
Quie	Schneebeli	Veysey
Rees	Slack	
Roybal	Spence	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Blatnik with Mr. Gerald R. Ford.

Mrs. Hansen of Washington with Mr. Casey of Texas.

Mr. Moorhead of Pennsylvania with Mr. Foley.

Mr. Macdonald with Mr. Scherle.

Mr. Biaggi with Mr. Saylor.

Mr. Diggs with Mr. Dulski.

Mr. Gettys with Mr. Butler.

Mrs. Green of Oregon with Mr. Myers.

Mr. Slack with Mr. Burke of Florida.

Mrs. Griffiths with Mr. Grover.

Mr. St Germain with Mr. Brown of Ohio.

Mr. Van Deerlin with Mr. Derwinski.

Mr. Murphy of Illinois with Mr. Harvey.

Mr. Udall with Mr. Brown of Michigan.

Mr. Alexander with Mr. Buchanan.

Mr. Mills of Arkansas with Mr. Johnson of Pennsylvania.

Mr. Rees with Mr. Anderson of Illinois.

Mr. Roybal with Mr. Quie.

Mr. Ryan with Mr. Maraziti.

Mr. McKay with Mr. Schneebeli.

Mr. Sandman with Mr. Spence.

Mr. Steele with Mr. J. William Stanton.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO HAVE UNTIL MIDNIGHT TO FILE REPORT ON DRUG ABUSE EDUCATION ACT

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may have until midnight tonight to file a report on the Drug Abuse Education Act.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PRELIMINARY INVESTIGATION TO DETERMINE IF SUFFICIENT GROUNDS EXIST FOR IMPEACHMENT PROCEEDINGS

(Mr. MILFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MILFORD. Mr. Speaker, I have introduced a House resolution directing our Judiciary Committee to conduct a preliminary investigation, to determine whether or not sufficient grounds exist for this House to consider formal impeachment proceedings against the President of the United States.

According to our Constitution, impeachment proceedings can only be instituted by the House of Representatives. This action cannot be initiated in the Senate or the judicial branch.

Our Nation is in turmoil. This past week, the American people were incensed and the Congress was insulted when the President summarily dismissed an independent prosecutor. Emotions were further aroused when he seized that prosecutor's records and effectively stopped a judicial review of his alleged wrongdoings.

Let it be clearly understood by all, I am not proposing an impeachment proceeding nor am I avoiding one. I am simply saying that a formal impeachment action is a very drastic measure that will gravely affect this Nation. We should know what we are doing before we initiate such an action.

The majority of both the Congress and the American people have an indefinable "gut" feeling that our President has not been totally honest with us in his conduct of national affairs. Some even believe that he has committed gross illegal acts and indiscretions, warranting immediate impeachment. Even his most enthusiastic supporters now have gnawing doubts.

In truth and in fact, none of us really know. The type of investigation that could factually prove or disprove these suspicions, has not been conducted. Furthermore, the very backbone of our Constitution and Bill of Rights dictates that every person has the right to be proven guilty before he is convicted.

The majority of both the Congress and the American people insist that the President is not beyond our laws. I agree. But I also insist that any action against the President must be conducted in accordance with our laws and Constitution. This means that he must have the full rights of any accused person.

In keeping with these basic constitutional rights, one cannot be convicted on the basis of press reports, emotional feelings, editorial opinions, nor highly charged partisan statements issued by headline-seeking politicians. When one fairly discounts these factors, a portion of the case against the President fades away.

On the other hand, there has been substantial and credible evidence to indicate the possibility that the President of the United States may have been involved in illegal, immoral, or unethical activities. If true, these do warrant formal impeachment proceedings.

Again—we are not sure. We do not have the positive and credible evidence that would allow us to make such a decision.

Our sister body, the Senate, has been conducting an investigation that indirectly involved Presidential actions. However, the Senate's primary purpose was to look at our election laws. Furthermore, in the opinion of many people, that investigation evolved into a "TV spectacular" rather than a factual investigation for truth. The Senate has neither the power nor the authority to initiate an impeachment action.

Until this past Saturday, Special Prosecutor Cox had been methodically and properly investigating alleged Presidential indiscretions through our judicial system. If his investigation could have continued, it would have provided this House with a reliable indicator concerning the need for formal impeachment proceedings.

While the dismissal of Mr. Cox indicates the need for the House of Representatives to investigate, this action

alone does not necessarily dictate the need for immediate formal impeachment proceedings.

In defending his actions against Mr. Cox, the President contended that the special prosecutor was his employee and that the employee had refused to obey his command. However, the President's action was contrary to his own word and violates the basic rules of our system of justice.

In effect, the President—who was an accused—fired the "district attorney" and insisted on having direct control over his own prosecutor, his own judge, and his own jury.

Furthermore, the President argued that he cannot be tried in a court of law as long as he is in office. This may be technically correct. I shall not debate that point. Neither will I participate in arguments concerning executive privileges, confidential conversations, and other complex points of law.

On one point, I am sure: The Constitution clearly states that the President can be indicted by the House of Representatives. I am not sure that we should bring an indictment at this point in time.

Our judicial system very wisely uses a grand jury to conduct preliminary investigations of all major criminal allegations. The grand jury investigates significant evidence against an accused and recommends a full trial if that evidence warrants. In my resolution, I am doing exactly the same thing.

In the resolution that I introduced today, we would appoint a proper forum that will have indisputable constitutional power to investigate all serious allegations against the President of the United States. Rather than a formal impeachment proceeding, this special subcommittee will in effect be the "grand jury" of the House of Representatives.

After this subcommittee has done its work—within the specified 30-day period—it will report back to the full House. Afterward, each individual Member will then be able to responsibly make a decision concerning the advisability of holding formal impeachment proceedings.

Mr. Speaker, I request immediate consideration of this resolution, and I ask each of my colleagues to support it.

RESOLUTION TO INVESTIGATE ACTIONS OF PRESIDENT RICHARD M. NIXON

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, what a terrible day it is when the people of the country fear for the future of its institutions, not from any threat by an external enemy or an internal revolt, but from the actions of the President of the United States. Yet that is the situation we are facing today.

Since Saturday evening's announcement by the White House, my offices in Washington and Akron have received over 750 telephone calls and telegrams about the President's actions. During my service in Congress, no other single event has produced such an incerdible volume of communications from my constituents in a comparable period of time. The reaction indicates the gravity of the situation and the degree of the crisis of confidence in the integrity of the Federal Government.

The common reaction combines shock, fear, and a sense of having been betrayed. Over 90 percent of the communications I have received have been critical of the President. A clear majority have demanded impeachment. The message my constituents have sent to Washington is unmistakable: Americans still demand that their government be administered according to the Constitution and laws of the United States.

As Members of Congress, we are individually and collectively sworn to protect and defend the Constitution. Today, we face an unprecedented series of events which the public perceives—and with good reason—as a threat to that Constitution.

Mr. Speaker, Congress must discharge its constitutional authority to investigate the serious allegations of impeachable conduct by the President of the United States.

With other members of the Judiciary Committee and of the House, I intend today to introduce a resolution calling upon the Judiciary Committee to investigate the President's activities and to determine whether there are grounds for impeachment or other action by the House of Representatives. My resolution does not call for the impeachment of the President. It merely calls for an investigation into the President's activities, including those concerning the Watergate case and related matters.

The actions of this past weekend raise grave questions about the ability of the Justice Department to carry out an impartial investigation of White House involvement in the Watergate case and in other incidents suggesting impropriety and criminal activity by Government officials.

Mr. Speaker, I am today cosponsoring a bill introduced by the distinguished gentleman from Iowa, JOHN C. CULVER, which would create an independent prosecutor. However, even if such an independent prosecutor were created, the same problems might arise which confronted Special Prosecutor Archibald Cox in his efforts to obtain evidence from the White House.

It is in the interest of the public, the President, and the Congress to clear the air in the most expeditious manner possible. I believe that the proper way to accomplish this is for the House Judiciary Committee—pursuant to the powers of the House of Representatives under the impeachment clauses of the Constitution—to initiate at once an investigation to determine whether facts exist which would justify a resolution of impeachment of Richard M. Nixon or other appropriate action.

Mr. Speaker, I include the text of my resolution in the RECORD at this point:

H. RES. 645

Resolved, That the Committee on the Judiciary immediately undertake an investigation of the activities of Richard M. Nixon, President of the United States, including his activities in connection with the so-called Watergate case and related matters, in order to ascertain all facts bearing on the possible commission by Richard M. Nixon of high crimes and misdemeanors under section 4 of article II of the Constitution, and that upon completion of such investigation said Committee report to the House its recommendations with respect thereto, including, if the Committee so determines, a resolution of impeachment.

IMPEACHMENT OF THE PRESIDENT

(Mr. MITCHELL of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MITCHELL of Maryland. Mr. Speaker, my colleagues, there comes a time in every man's life when he must face up to his own integrity, with the hope that his integrity mirrors the integrity of the House and the integrity of the United States of America.

I stand before you this morning agonized, because I do not want—I do not desire to take this quantum step. But, my heart, my conscience, my soul, all that is me, demands that this step be taken. The step is very simple.

I shall introduce today a resolution calling for the impeachment of Richard Milhous Nixon, President of the United States. This is not an easy decision, and it is not a happy decision for me. I love my country as much as any man, woman, or child within the sound of my voice, but the reality is, that this Nation is being wracked by an exquisite agony, and that agony is the result of the President having interposed himself in the judicial process, having placed himself above the law of the land, and having treated the Congress and my countrymen with contempt.

I would urge and entreat the Members' support of my resolution which requires the impeachment of the President, charging him with high crimes and misdemeanors.

Mr. Speaker, a man was dismissed from his job. Another resigned. And this country cries for impeachment of its President. How has this come to pass? How have we come to be here today?

True, the man held no ordinary job. His was the responsibility, by virtue of congressional and Presidential mandate, to investigate one of the most far-reaching scandals this country has ever known.

The resignation of the other man? Well, perhaps he was a friend of the one fired. Or perhaps he was merely a man who realized that the justice for which he thought he had been working, no longer existed.

I am talking about the wielding of arbitrary power. The kind of power which exists in a dictatorship, not in a democracy.

Is this single issue important enough to warrant impeachment? I personally think so. However, the President has provided us with a lengthy list of breaches of trust, of obstructions of justice. Ours is no longer a difficult decision to make. The illegal and secret bombings of Cambodia, the commitment of public funds without the authorization of Congress, the dismantlement of programs upon which the lives of millions of poor, aged,

and handicapped citizens depended, the sanctioning of illegal wiretaps and the ensuing violations of private property. Each of these singly provide sufficient grounds; cumulatively, they spell out an unquestionable course of action.

For nearly 200 years the President of the United States has been to the American people the embodiment of the principles upon which this country was founded. Richard Nixon himself was elected on a platform of law and order. That election has since been rendered tragically farcical. The law has been perverted. No vestige of order exists.

We cannot look at the Constitution of the United States without being conclusively struck by the overwhelming intention of its framers that no man be allowed to put himself above the law. The Constitution reflects this country's fervent rejection of monarchy, of dictatorship. The framers of the Constitution felt that they had laid a governmental framework strong enough to keep any man from taking the law into his own hands. The very stability of our country has been based on the fact that while administrations may change every 4 years, the law remains constant.

Now the very stability of our country is threatened. One man has succeeded in overriding the dictates of the Constitution. He will continue to do so unless we stop him. We, as Members of the House of Representatives, are the only ones who can do this. Know well, fellow colleagues, that if Richard Nixon is allowed to make a mockery of the U.S. Constitution for another 3 years to the point at which it will become meaningless as document and as law, it will be because you failed to act when the mandate was upon you.

IMPEACH THE PRESIDENT

(Mr. BADILLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BADILLO. Mr. Speaker, I am today cosponsoring the resolution of impeachment against President Nixon authored by the gentleman from California (Mr. WALDIE) and the Democratic study group resolution reestablishing the special Watergate prosecutor independent of the President.

These are basic steps essential to restore order and sanity to our National Government and to reestablish public confidence in our political process. In my judgment, these resolutions are now the most urgent business of the Congress and while a tragic war in the Middle East and urgent social problems here at home demand our attention, the impeachment of Richard Nixon and the continuation of the Watergate investigations and prosecutions must be the highest priority.

It is ironic indeed that the man who campaigned from coast to coast in 1968 on a pledge to restore respect for the law has now become the Nation's No. 1 lawbreaker and obstructer of justice. Let this serve as a lesson to those who are so easily seduced by the glib and easy rhetoric of politics, and who cannot be bothered with determining whether any substance lies behind the slogans.

I find it incredible that the movement within Congress for impeachment is not overwhelming. What the President has done—in its most basic terms—is assume to himself the right and power to determine who shall be prosecuted for serious crimes, what evidence will be made available for such prosecutions, and to whom that evidence will be given. These are not the constitutional prerogatives of a President of the United States. They are the powers of a dictator, or an absolute monarch.

What Richard Nixon has forgotten, or has chosen to ignore, is that regardless of how strong or dominant the Presidency has become since the founding of the Republic, we are still a Nation governed by the rule of law, not by the rule of men. Once men—elected or appointed—are permitted to become a greater power than the law, the very fabric of our political and social life will be destroyed.

Richard Nixon's contempt for the law and for our constitutional system really was apparent long ago, in the conduct of the war in Southeast Asia. I still feel there were more than adequate grounds for impeachment on the basis of the Nixon war policies and, even now, would welcome a broadening of the current impeachment effort to include that ground, although I recognize that many of my colleagues would feel that adding the war issue might be a distraction.

The task of Congress now is to restore decency, honor and justice to our political process. Impeachment is a most serious and drastic measure, but it is the sole mechanism available to us. Richard Nixon's contempt for the American people, for the Congress, for the courts, for his very oath of office, has cut the cord of accommodation and mediation. Whatever upheavals may be caused by the impeachment of the President would not compare with the chaos that would exist were he not brought to justice.

HOUSE OF REPRESENTATIVES SHOULD CONSIDER IMPEACHMENT RESOLUTION

(Mr. MEEDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEDS. Mr. Speaker, I asked for this time to discuss a topic we all have been forced to seriously consider during the recess. I refer, of course, to the impeachment of the President of the United States.

President Nixon, by his actions over the weekend, has defied the courts of the United States. He has defied the desires of the American people that charges of corruption in his administration be fairly investigated. And he has defied the Congress of the United States to do anything about it.

Mr. Speaker, as much as I respect the Presidency and its traditions, I have reluctantly concluded that consideration of an impeachment resolution by the House of Representatives is the only answer. It is the only totally effective remedy yet available if any of the serious charges against the administration are to be thoroughly investigated and it is the only means by which President Nixon can effect to clear his administration of these charges, if they are unjustified.

The American public will not believe an in-house investigation. They will believe, and perhaps rightly so, that an in-house investigation cannot rise above the suspicion of whitewash.

This suspicion was in part encouraged by the performance of the Justice Department in the early stages of the Watergate investigation. After all, creation of a special prosecutor's office itself was to answer these suspicions and avoid further allegations of coverup.

The public's suspicions were confirmed over the weekend when President Nixon fired the special prosecutor and abolished his office. The departure of the top two appointees in the Justice Department only confirms the widespread belief that Archibald Cox was fired for doing his job too well.

Now we have an acting Attorney General who pledges to run the now in-house investigation with vigor. What I would like to know is that if a vigorous investigation was what the White House really wanted, why did not the President keep Archibald Cox on the job?

I respect Mr. Bork's statement and I hope he succeeds in his intentions. But no matter how hard he or the remaining staff tries, they cannot prevent being subverted in their desires if they listen to the President's statements.

We are left with no demonstrably reliable means by which the public can learn if the President was involved in Watergate, whether improper influence was exerted in the ITT antitrust settlement, the raising of dairy support prices, the remodeling of the President's San Clemente home, the issuance of bank charters to Presidential friends, the enrichment of large grain distributors and the activities of Presidential staff members with more zeal than judgment.

It is for these reasons that Congress must take over the investigation for the good of America. And the best way to base this investigation is upon a resolution of impeachment. Impeachment is the means the Founding Fathers of this Nation placed in the Constitution to protect us from dictatorial excesses. The revolution that brought about the existence of the United States resulted from our experiences with kings and royalty. The Constitution deliberately created an elected President under the law to avoid any future would-be kings above the law. Impeachment is the only constitutional remedy to deal with a President who believes himself beyond the law.

I think last weekend's events clearly demonstrate what President Nixon thinks of the law's restraints. He violated an order by the U.S. court of appeals. And he fired and impeded those persons who were bringing out the facts about the worst corruption charges in American history.

Consideration of an impeachment resolution is the best legal position from which a congressional investigation can proceed. Setting up another special

prosecutor or a special committee without an impeachment resolution would only mean more spinning of wheels. Even if guilt was established, the House would then still have to conduct a further investigation before any action on articles of impeachment could be taken.

Secondly, only a proper impeachment investigation would have sufficient legal standing to override Presidential claims of executive privilege. Executive privilege cannot be a defense in the impeachment process. Under this process, the House can require the President to produce any and all materials it feels is necessary and relevant to its inquiry—including those refused to the special prosecutor and the Senate Watergate Committee.

It is an intrusion by the legislative into the executive branch, agreed; but the purpose of impeachment is to allow this intrusion to save the Nation from the excesses of executive power.

I feel that Congress must investigate under the legal standing of an impeachment—rather than create another committee to investigate whether there should be an investigation.

I have similar qualms about creation of a special prosecutor's office by the legislature. It may be an improper intrusion into executive domain simply because it does not have the sound legal basis of an impeachment resolution. And again, there is the inadequacy of trying to investigate the grounds for possible impeachment without having the ability to report an article of impeachment for House action.

I believe the House committee system is precisely adapted for an intensive, fair investigation of these allegations under the legal shelter of a resolution of impeachment. Any such committee should hire Archibald Cox as its special counsel.

Impeachment is a strong word—a word most of us mouth reluctantly and with great sadness. But the tumultuous events of this year and last weekend leave the Congress little choice. I believe Congress must not sidestep, procrastinate or approve cosmetic investigations. It is time to stand up and be counted. It is time to initiate an investigation under a resolution of impeachment to determine whether the Nation should continue under a President who believes himself above the law and its constraints.

INVESTIGATION TO DETERMINE WHETHER GROUNDS EXIST FOR IMPEACHMENT OF THE PRESIDENT

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I have today introduced a resolution calling for an investigation to determine whether grounds exist for the impeachment of the President of the United States.

The thought of subjecting our Nation to the trauma of a Presidential impeachment deeply disturbs me, yet I feel Congress now has no other recourse than to stare that possibility directly in the eye.

It is a prospect which I never thought I would ever have to face. It is a prospect which I hope may still be averted.

But the events of the past weekend mean to me that serious questions which should have been resolved in an orderly manner by the courts now cannot be so resolved in the absence of an independent prosecution.

By his action in ordering the dismissal of Special Prosecutor Archibald Cox, President Richard Nixon has circumvented the process through which the grave allegations against his administration were to have been fairly evaluated in our system of courts.

I do not pretend to know whether this act by the President, of itself, or in concert with previous actions, constitutes an impeachable offense.

I do know, however, that our Constitution clearly holds the House of Representatives responsible for determining whether a President should be impeached—and thus be tried before the Senate on the question of whether he must forfeit his office.

I also know that the people of America want—and deserve—to know the answer to this question—an answer which only the Congress can provide.

The very thought that our President could be, or should should be, impeached is poisonous to the conduct of our Nation's affairs. It dangerously limits the President's abilities to act, creating a form of paralysis which imperils the welfare of the country.

It is my belief that this poisonous attitude is rampant across the land in the minds of well-meaning citizens, and therefore the question of impeachment must be resolved—one way or the other—as quickly as possible.

My resolution proposes simply that an imemdiate investigation be made as to whether grounds exist for impeachment. Such an investigation should first endeavor to define, as precisely as possible, what constitutes an impeachable offense.

Second, there should be a rigorous examination of Mr. Nixon's actions as President to determine whether they fit the definition.

The investigation should not involve—and I wish to stress this—philosophical or political activities by the President which might be at variance with the preferences of a majority of the Members of Congress. The President, indeed, has an electoral mandate, and has a perfect right to disagree with Congress on questions of philosophy and policy. I will defend that right.

Along that line, I think it incumbent upon the House to proceed expeditiously with its consideration of the nomination of Minority Leader GERALD FORD for Vice President. As in the consideration of impeachment, philosophical and political differences should play no part in the decision on Mr. FORD's qualifications to assume the office of Vice President.

I disagree most vehemently with the suggestion that Congressman FORD's nomination should be held "hostage" until such time as President Nixon's situation is resolved.

I believe that, if an examination of Mr. FORD's finances and his past conduct in public office shows no discrepancies, and if Mr. FORD is able to demonstrate a proper grasp of the duties and responsibilities of the office of the Vice Presidency—as well as the Presidency he may someday occupy—he should promptly be confirmed.

In the event that it should become necessary to remove President Nixon from office, I think it would be most unfortunate and most divisive if the Speaker of the House of Representatives, a member of the opposition political party, were to be in line to succeed to the Presidency simply because the Democratic Congress had declined to approve a Republican nominee for Vice President.

In conclusion, I simply wish to say that this is a painful day in my life. I have no desire to play any part, however slight, in bringing about the turmoil and upheaval of a Presidential impeachment. But, I feel that my oath of office requires that I move to force House consideration of that terrifying prospect.

If the President is not subject to impeachment, he deserves nothing less than a declaration by the House that they have so found. If he is subject to impeachment, the people of the country deserve nothing less than House action to bring him to trial before the Senate for a determination as to whether he should be removed from office.

IMPEACHMENT OF THE PRESIDENT OF THE UNITED STATES

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of New Jersey. Mr. Speaker, it is with considerable regret that on this day I have introduced a resolution calling for the impeachment of the President of the United States, Richard M. Nixon.

I have taken this action only after long and careful consideration. It had been my hope that the President would relent and obey the orders of the Federal courts. He has refused to do so and at the moment is before the courts which may make a determination as to whether or not he is in contempt.

My action is predicated not only on the President's handling of the tape question. The resolution cites seven specific charges in the bill of particulars.

Viscount James Bryce reminds us in "The American Commonwealth" that impeachment:

> Is like a one hundred ton gun which needs complex machinery to bring it into position, an enormous charge of powder to fire it, and a large mark to aim at.

There can be no doubt that President Nixon has generated "an enormous charge of powder." Obviously, the President of the United States is a large mark. The founders put the impeachment provisions in the Constitution after careful deliberation. The founders were agreed that:

> The power of impeachment ought to be, like Goliath's sword, kept in the temple and not used but on great occasions.

The tragic fact is that the President, by a long series of actions, has literally demanded that the sword of impeachment be taken from the temple. I believe that no reasonable person will disagree with my feeling that the President's firing of Prosecutor Archibald Cox, Attorney General Richardson, and Assistant Attorney General Ruckelshaus has created "a great occasion."

James Madison told the Virginia Ratification Convention that:

> If the President be connected, in any suspicious manner with any person, and there be ground to believe that he will shelter men he may be impeached.

The President's refusal to make available the tapes and documents which the courts have ordered him to release indicates that the President is sheltering a number of persons who have been part of his administration in that his refusal amounts to the withholding of essential evidence needed in the judicial process. I have, therefore, in the exercise of my oath to support the Constitution no alternative but to introduce a resolution of impeachment. A copy of my resolution including the charges is included.

SPECIAL PROSECUTION CONSERVANCY ACT

(Mr. CULVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CULVER. Mr. Speaker, I am today introducing a bill to reestablish the special Watergate prosecutor independent of control by the President.

This is most emphatically not a partisan proposal. It is a serious effort to redress the evident conflict of interest that deprives the Executive of the capacity to conduct a fair and evenhanded prosecution of those persons other than the President who have been implicated in the Watergate affair. It addresses the fundamental proposition that, in matters of public importance especially, justice must not only be done, but be seen to be done.

In preparing this measure, we have consulted preliminarily with experts in constitutional law. They have advised us that there appears to be adequate justification, at least in the present circumstances, for conferring the appointing authority on the chief judicial officer who supervises the work of the grand juries principally concerned. The relevant legal considerations are set forth in a brief memorandum we have prepared to accompany the bill.

Interestingly enough, we have discovered that Richard M. Nixon is on record essentially in support of our approach. In 1951, while in the U.S. Senate, Mr. Nixon introduced legislation that would have empowered any district judge to appoint an independent special counsel on request of a grand jury. This counsel would have had charge of the investigation and would have had power to sign indictments. The bill I am introducing is narrower, since it is focused only on the Watergate and related prosecutions where there is an established conflict of interest involving the regular prosecution.

I must emphasize that this measure in no way substitutes for or concludes consideration of the entirely separate matter of impeachment. Nor does it take a position upon the agitated question of release of the White House tapes. Deliberation upon those questions may and should go forward in the appropriate forums. No matter how they are resolved, it will still be necessary to restore the evenhanded administration of justice and to conserve the prosecutional resources developed to date. That is the object of my bill.

Mr. Speaker I will include the text of my resolution and a summary of the effect at a later point in the RECORD.

PROPOSED IMPEACHMENT OF THE PRESIDENT

(Mr. FASCELL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, with millions of Americans, I was stunned and dismayed by the President's actions this weekend.

By directing the Special Prosecutor, Archibald Cox, to cease efforts through the courts to obtain tapes or other Presidential documents, and engineering his firing, the President reneged on the solemn pledges made by the administration to the U.S. Senate and the American people that there would be a truly independent investigation.

The President summarily has destroyed the independence of the criminal investigation and prosecution of suspects and defendants in the Watergate and related cases. He thus makes it appear that there is a continued, determined and calculated effort to defeat the ends of justice by obstructing or hampering it.

The President apparently refuses to fully obey a Federal court order to make available evidence which could assist in establishing the guilt or innocence on grave criminal charges affecting former high Government officials of his administration. By his decision not to seek a decision by the Supreme Court, the President is bound by the district court decision. It remains to be seen whether the district court will accept the so-called "Stennis Proposal" as action in compliance with its order.

The President has precipitated a constitutional confrontation between the three branches of Government unprecedented in our history. As one commentator has pointed out, Mr. Nixon, who has based his refusal to make the disputed tapes available to the courts and the Congress on the principle of "Executive privilege" and the separation of powers, chose a member of the legislative branch to review the executive branch tapes to comply with a court order of the judicial branch. His actions have brought dismay, frustration, and disbelief. He has cast doubt in the minds of millions of Americans on the ability and stability of our democratic institutions. The very heart and soul of our Government is at stake.

Only Congress and the American people can redress these grievances.

The Congress must act swiftly and positively to restore the independence of the criminal investigations and prosecutions and take whatever steps are necessary to assure prompt and orderly disposition of all criminal cases.

I have, therefore, today joined the sponsoring legislation to provide for the appointment of a special Watergate prosecutor independent of the President. The resolution is designed to assure the integrity of the special prosecutor's staff and records, incorporate in statute the guidelines for the special prosecutor's independence, give him independent authority to collect and safeguard evidence and extend the life of the grand jury—scheduled to expire on December 5, 1973—for an additional 6 months.

The Congress must simultaneously proceed to broaden the entire investigation of the Watergate and related incidents to determine if there is an impeachable offense against the President.

Toward this end, I am today also joining in the introduction of a resolution authorizing and directing the House Judiciary Committee to inquire into and investigate the official conduct of Richard M. Nixon to determine whether in the opinion of the committee Mr. Nixon has been guilty of any high crime or misdemeanor which in the contemplation of the Constitution requires the interposition of the constitutional powers of the House of Representatives. The committee is directed to report its finding to the House. And I would hope that the action contemplated in the resolution be initiated at the earliest possible time.

IMPEACHMENT OF THE PRESIDENT

(Mr. McKINNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McKINNEY. Mr. Speaker, we stand in the House of Representatives today at a troubled time in our history. The cries are ringing out throughout the Nation for impeachment of the President of the United States. I do not take these cries lightly. Nor do I underestimate the confusion and the argumentation that will go forth as to whether the President is impeachable or not.

I feel that the basic confidence of the American people in their Government is at stake. I do not think we can get lost in the political or legal arguments of impeachment and do nothing under the excuse of parliamentary time and legal maneuvering.

Mr. Speaker, I would suggest to you that this House, this building, stands for rule by law, not by fiat from any man. That if any officer of the Government subverts or puts himself above the law, or manipulates the law to destroy its credibility and effect, that this House must be concerned about democracy and its survival.

Mr. Speaker, I would make several suggestions today. First, I would suggest that you use the total power of your office and

that of the Senate leader's office on your side of the aisle to pass through these bodies immediately special legislation calling for the reestablishment of a special prosecutor under the power of the Congress of the United States; second, I would request that you set up a committee structure to immediately study all the impeachment resolutions that will be introduced today and to study the legal aspects of the President's actions; third, I would further request that this study be given a very severe time mandate and that these special bodies or committees report back to the general body of the House within the period of 1 month so that the House may either act on impeachment, should that be the proven course, censor, should that be the proven course, or indict for criminal offense, should that be the necessary course.

Mr. Speaker, I would suggest that a cloud hangs over the very beliefs that this building stands for. If we, as the representatives of the people, allow that cloud to remain, I seriously question the future of our Nation as we love and know it.

IMPEACHMENT OF THE PRESIDENT

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, it is profoundly shocking to have one Member of the House after another come to the well of the House and talk about impeachment of the President of the United States. Almost without exception, each one who did so expressed his regret, and because I have great respect for the Members of this House, I do not doubt the sincerity of those expressions of regret.

However, I do doubt the judgment which impels anyone to speak of impeachment at this particular time in our history, particularly when one examines the Constitution of the United States.

The words of the Constitution are rather plain. It says that impeachment may lie for the commission of high crimes and misdemeanors.

I ask each Member to reflect upon those words and then ask himself if there have been high crimes and misdemeanors committed which would justify impeachment.

It has been said that the President has defied an order of the court. The former Attorney General of the United States not over an hour ago said that this is not true; he has not defied an order of the court. Actually, what the President did was to propose an alternative which would in his mind, and I think in the minds of many of us, have actually complied in the spirit of the order which was issued by the District of Columbia court of appeals. The key members of the Watergate Committee approved of his proposal. The Attorney General of the United States not only approved of it, but had a lot to do with its formulation. The only one who did not approve of it was the special prosecutor, Mr. Cox.

Mr. Speaker, I ask the Members, was Mr. Cox appointed with the idea of setting him up as a fourth branch of the Government who would not have to answer to anybody at all? I do not think that this was the intention of the Executive nor the intention of the Congress when Mr. Cox' office was set up.

Was it a high crime or misdemeanor for the President of the United States to fire Mr. Cox, or to accept the resignation of the Attorney General and the Deputy Attorney General? Of course not, No one has indicated that such was the case. If this were the case, then we would have impeached many Presidents in the past who have from time to time made controversial personnel changes, but there has been no talk of impeachment in those cases.

I am afraid, Mr. Speaker, that those who are talking about impeachment today have been thinking about impeachment for a long time. I do not think that this suddenly came bursting full blown from the brows of the Members on my right. I think there has been a lot of thinking about this; a lot of wishful thinking, I might say. The American people do not deserve this. Our people have had one blow after another for the last several months, and it does not do the Republic or the people of the United States any favor to talk about impeachment at a time like this, with no evidence available to justify impeachment.

I ask, Mr. Speaker, that this talk be stopped immediately, and that we proceed with the business of serving our people and this Republic.

CONGRESS MUST NAME PROSECUTOR

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BENNETT. Mr. Speaker, we have all been shocked by the firing of Archibald Cox and the resignations of Mr. Richardson and Mr. Ruckelshaus. The Nation still faces many unanswered questions and the answers to those questions still must be found. The precedent for this type of appointment was set during the Teapot Dome Scandal and I feel the precedent is appropriate here.

Under a bill I have introduced the House and Senate would be required to appoint an individual of the highest character and integrity to serve as special prosecutor for the Government of the United States. The selection of the special prosecutor would be required to be made from outside the Government and also be required to be made from among individuals who do not now hold any public elective office.

The appointment of the special prosecutor would be made by a majority vote in each House. Once appointed, the special prosecutor would be indepedent from any department or agency of the United States and would have authority to appoint his own independent staff to assist him with the investigation and prosecution.

I am convinced that this current confidence crisis will escalate still further if the future handling of Watergate is not now conducted in an impartial, unprejudiced manner—free from partisan political controversy. Only by adhering strictly to the traditional American concepts of jurisprudence can we be certain that the further handling of these tragic cases will be conducted in a just and impartial manner.

As to the matter of impeachment, I believe that at this moment the best procedure is to refer the resolutions on this to the Judiciary Committee for prompt and complete consideration and recommendation. A matter of such gravity should be handled with careful deliberation, not in heat and emotion.

I personally believe that the President had the legal power to fire Cox, but that he has acted unconstitutionally in a number of other important matters. He has, for instance, ended programs and projects which the law has directed him to carry out. This is unconstitutional, according to the courts, and I believe this to be so.

I would hope that the President would rectify this situation and that this weakness in his administration can thus be removed from the area of consideration in the impeachment hearings. In saying this I am not referring to impoundment procedures allowable under the deficiency Act; but to the the actual killing of entire programs and projects directed by law. This he cannot constitutionally do.

IMPEACHMENT PROCEEDINGS

(Mr. ADAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAMS. Mr. Speaker, as one who has been a former district attorney and who understands that the House sits as an indicting body on the question of issuing articles of impeachment, I had been prepared today to offer a resolution that there be a select committee appointed to consider impeachment. I felt that a select committee would be a better vehicle than the Committee on the Judiciary which already has pending before it the confirmation of a new Vice President.

There being a resolution for impeachment pending, I have examined the precedents and found it could be either called up immediately or referred to the House Committee on the Judiciary or referred to a select committee.

I have been assured by the leadership—and I accept that assurance—on both sides of the aisle that this matter will be referred to the Committee on the Judiciary.

You can call it investigation, you can call it whatever you wish. But when that resolution is heard, and it is going to be heard before the Committee on the Judiciary, then evidence will be taken, I have been assured, as well as procedures established so that the matter of impeachmen can be presented in an orderly fashion to the House with a recommendation either for or against.

I personally feel, as I am sure most Members of the House do, that we do not have the evidence at this point to deter-

mine whether or not articles of impeachment should be drafted, and those articles, once drafted, taken to the Senate for trial. Therefore, I hope the Committee on the Judiciary will proceed immediately—and it is my understanding that they will—so that it can be presented to the House for our considered judgment.

I think there is a grave constitutional crisis, caused by the existing conflict between the executive and the judiciary. The only remaining way to resolve that crisis is through the constitutional process, which puts the responsibility on this House to proceed in an orderly fashion with impeachment proceedings.

IMPEACHMENT PROCEEDINGS

(Mr. McCLORY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. McCLORY. Mr. Speaker, in the light of recent developments which have culminated in the resignation of the Attorney General and Deputy Attorney General, as well as the dismissal of the special Watergate prosecutor, it is not surprising that serious, and in many respects, irrational attacks have been directed againt the President of the United States.

However, it would be both unwise and unbecoming for this body to take summary action which would brand the President's conduct as amounting to "an impeachable offense."

Mr. Speaker, there is serious doubt on the question of the authority of the Watergate Committee or of the district court to require the production of taped accounts of private and confidential conversations between the President and members of his staff. In the district court, the judge recognized the limitations on ordering any such production of taped conversations by directing that he would first undertake to review the taped conversations—privately—and then determine what part or parts, if any, might appropriately be reported to the grand jury.

The special prosecutor appealed from this ruling, contending that the entire tapes should be surrendered to him—and it is important to observe that the special prosecutor appeal was denied and his appeal dismissed. Indeed, the court of appeals in its opinion, called attention to the significance of conversations which had been held by the special prosecutor, counsel for the President, and the court, in an effort to avoid a needless constitutional adjudication.

There is other qualifying evidence in the opinion, leading to the view that some such compromise as that arranged by counsel for the President and the Attorney General, with the chairman and ranking minority members of the Senate Watergate Committee were consistent with achieving justice without impairing the constitutional separation of powers inherent in this celebrated case.

Mr. Speaker, it would seem entirely appropriate for the House Judiciary Committee to consider the various aspects of the charges and countercharges involving the so-called Watergate case. However, initially, it would seem important for the committee to consider the legal and constitutional grounds upon which such hearings would be warranted. It is my considered opinion that the committee should consider the right of a court or committee of the Congress to order the surrender of confidential and private conversations engaged in by the President of the United States with his staff. Clearly, if the so-called Watergate conversations may be demanded, there would seem to be no end to the demands which the Congress or the courts might make with respect to private White House conversations.

Mr. Speaker, the other legal question involved is whether the President as head of the executive branch of Government, may be denied the right to control the execution or enforcement of the laws. In this connection, the Office of President—and not the President as an individual—is in control of the executive branch. While subject to the laws as an individual, it would not seem possible for some third party—or fourth branch of Government—to possess autonomous authority to proceed against the President. The Constitution does not provide for, and the people have not granted any authority to the so-called special prosecutor to assume the prerogatives of the Congress or to supersede the President in his role as head of the executive branch. At any rate, this presents very sensitive and technical, legal, and constitutional questions.

Mr. Speaker, it is my hope that the House Judiciary Committee or an acceptable subcommittee may review these constitutional and legal questions preliminary to any consideration of charges of wrongdoing or so-called impeachable offenses leveled at the President of the United States.

Mr. Speaker, the stability and effectiveness of the U.S. Government, both in the management of our domestic as well as our foreign affairs are dependent upon a strong governmental system. The strength of our President, as a national as well as an international leader are beyond question. The entire free world looks to our Nation's leadership for an enduring peace, and for the solution of the grave international problems, including improved relations with the People's Republic of China, and an era of détente between the nations of Eastern Europe and the Western free world.

Mr. Speaker, I hope that we can use both patience and judgment in our efforts to meet this critical challenge. Let us hope that an acceptable resolution of the pending court proceedings—similar to that agreed upon in the Senate Watergate hearings—may be reached.

IMPEACHMENT PROCEEDINGS

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, article II, section 3 of the Constitution very clearly reads that the President "shall take care that the laws be faithfully executed."

The President has deliberately precipitated a series of events to enable him to remove a special prosecutor whom he has long wanted to remove because that prosecutor's activities were embarrassing to the President personally, although the special prosecutor has attempted to carry out the orderly processes of justice.

Very clearly in this situation President Nixon is obstructing justice. I have, therefore, introduced a resolution of impeachment, and I have also cosponsored resolutions to reestablish by statute the independent office of special prosecutor.

This grave constitutional crisis is not only an issue of the special prosecutor personally but the issue of his office, his papers, and his independence in carrying out an investigation of criminal activities which are apparently reaching too close to the President and the White House. The President seems to be oversensitive to the special prosecutor and has, therefore, sacrified both Mr. Richardson and Mr. Ruckelshaus to stop the prosecutor from doing his duty.

Mr. Speaker, I was most interested in what the gentleman from Ohio (Mr. ASHLEY) related with regard to the background of the impeachment of President Andrew Johnson. That political impeachment has cast an inhibiting cloud over all of our actions today.

The brilliant description that John F. Kennedy wrote in "Profiles of Courage," sank into the consciousness of every American, and has muted and slowed down the requests for impeachment, both by Congress and the Nation.

We do not want to proceed with any political impeachment, such as occurred with Andrew Johnson. Therefore, when the people today demand impeachment they are demanding it in a sober fashion against the background of that unfortunate chapter in American history.

I believe such an impeachment resolution deserves a very thorough inquiry by the Committee on the Judiciary. The President is clearly obstructing justice. Entirely too much emphasis has been placed on "the tapes," when the fundamental issue is whether the President is obstructing justice, placing himself above the law, and refusing to insure that the laws be "faithfully executed."

ON IMPEACHMENT

(Mr. GRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GRAY. Mr. Speaker, as one who has been subjected to inuendo, smears, and false accusations by members of this administration, I could very easily rise today and say that I immediately would vote to impeach President Nixon; however, my conscience requires that I not take such precipitious action. I have always followed the standard of justice that a person is innocent until proven guilty. Mr. Speaker, the American people are upset over the firing of Special Prosecutor Archibald Cox who was told by the President that he had a free hand in investigating not only Watergate but any other charges of misconduct. As far

as I am concerned, the tapes issue was not the real reason for Mr. Cox's firing. I think this was proven by the turn of events this afternoon. If the President knew last Saturday that he was willing to eventually turn over to the courts the tapes in question as he did today, why then would he go ahead and allow the resignations of Attorney General Richardson and Deputy Attorney General Ruckelshaus in order that Acting Attorney General Bork could go ahead and fire Mr. Cox? For these reasons, I feel that the entire matter of a specal prosecutor should be considered before any thought should be given to impeachment. Accordingly, I support the following resolution in order that all the facts surrounding this dispute can be considered. I am sure every Member of Congress, both Democratic and Republican, would then be in a better position to judge what course of action Members of Congress should take in fulfilling their constitutional responsibilities. The resolution follows:

Resolution directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon

Resolved, That the Committee on the Judiciary shall, as a whole or by any of its subcommittees, inquire into and investigate the official conduct of Richard M. Nixon to determine whether in the opinion of said committee he has been guilty of any high crime or misdemeanor which in the contemplation of the Constitution requires the interposition of the power of the House of Representatives under the Constitution. The Committee on the Judiciary shall report its findings to the House of Representatives, together with such resolutions, articles of impeachment, or other recommendations as it deems proper.

FIRING OF SPECIAL PROSECUTOR

(Mr. YATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. YATES. Mr. Speaker, I was outraged to learn last Friday night of President Nixon's peremptory firing of special prosecutor Archibald Cox. It was an out and out violation of the pledges he had given the country when Elliot Richardson was named Attorney General and Mr. Cox was appointed special prosecutor. The impression given the country at that time by Mr. Nixon's statement was that Mr. Cox would be given total independence and cooperation in all his endeavors to investigate and bring to justice those who had committed offenses in or against the Government. Now the President has slammed the door on judicial investigation by his dismissal of Mr. Cox. Can anybody believe that the Department of Justice can or will do an impartial thorough job of the task now assigned to them?

The legislative branch must continue that investigation to seek the truth about all the wrongs committed by Mr. Nixon's appointees and associates. I have cosponsored a resolution, Mr. Speaker, which requests the House Committee on the Judiciary to make that investigation to determine whether an impeachment should be voted against President Nixon. The committee must act expeditiously. The country is now shaken by the actions of Mr. Nixon not only in the Watergate scandals but in so many other curious and potentially scandalous incidents as well. The committee should lay aside its other business and devote itself to this most important question.

I have also joined, Mr. Speaker, as a cosponsor of a resolution seeking the appointment of a special prosecutor to carry on in court the investigation begun by Archibald Cox. That inquiry should not be dependent upon the whims of a President whose administration is being investigated.

Finally, Mr. Speaker, this is not only a question of the disclosure of the tapes. The tapes are only one source of information. That is why the President's proposal of using Senator STENNIS to hear the tapes to check a Presidentially prepared summary is so inadequate. There are documents, letters, records, and so forth, that are also proper subjects for investigation.

The American people deserve to know what their Government has done in the past and is doing now. The present crises in Government will not be alleviated nor will the confidence of the people be restored until that information is forthcoming.

FRIGHTENING EVENTS

(Mr. STOKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STOKES. Mr. Speaker, the resignations of the two highest Justice Department officials and the firing of Special Prosecutor Archibald Cox as well as the ruthless seizure of his offices and files by the FBI are frightening events. The Nation has been shocked to witness such arrogant abuse of governmental power to protect the private interests of one man. Only 2 weeks ago we saw the resignation and virtual guilty plea to tax evasion of the Vice President of the United States. That was a plea contrived in such a way as to insure that the American people would never be able to ascertain the facts which brought about this bizarre event.

Mr. Speaker, I call for the impeachment of the President, the impoundment of all relevant tapes, records, documents and files in the Justice Department and the White House, and the continuation of the special prosecutor in order to completely prosecute all those guilty of crimes, including the President.

The recent actions of Richard Nixon have led me to believe as firmly as I have ever believed in anything, that this country is in mortal danger. I urge all my colleagues to consider with the gravest seriousness the fundamental interests of this Nation in preserving our democratic form of government.

The true honor of the country, its ability to believe in itself, in its laws, in its governmental system, and in its public officials is in danger of being not just damaged, but permanently crippled or destroyed.

Great questions remain concerning the exceptional situation of the resignation and conviction of the second highest official of this Nation, and until these questions about the number and extent of Mr. Agnew's crimes are resolved, publicly for the entire Nation to judge, we must not act on another Nixon appointment to the same position. The American people have a right to know. We cannot entrust to a man so implicated, and who I believe must be impeached, the power to choose the next President of this country. To do so would be foolish and blind, and a betrayal of trust.

Having witnessed the actions of the past few weeks I cannot but wonder if they were not almost designed to overwhelm the American people and induce a state of shellshock rendering them incapable of recognizing the significance of subsequent acts. Each crisis blurs the last and now we have the resignations of two Justice Department officials who in contrast to so many others displayed high principles and concern for the Nation. Such men, apparently, the Nixon administration cannot long endure. This Nation cannot long endure Richard Nixon. We must impeach him now.

The remarkable thing about the events of the last weeks, months and years is not simply that Mr. Nixon has done what he has done, but that this Nation did not see it coming; and that even now we may not be able to imagine what may yet happen in his remaining 39 months.

Impeachment proceedings are no longer premature, they are essential to the future well-being of this Nation. The disruptive nature of such proceedings now pales beside the clear and present danger which Richard Nixon poses to our Nation, our liberties, and our self-respect.

I call for the immediate impoundment by the court, if not by the Congress, of Mr. Cox's files, of the Presidential tapes, and of all documentary evidence and material requested by Mr. Cox in connection with his investigation. Every hour that these materials remain in the possession of an interested and biased party to the investigation, there is great risk of destruction, alteration, and improper disclosure to adversary parties, all of which we have already seen occur.

The only action capable of countering demonstrated Presidential defiance of the Senate and the courts is for all responsible Members of Congress to rise above party concerns and rid ourselves of this Nation's worst President, by impeachment. Furthermore, I call upon all citizens who care about their country to let those who represent you, know of your continued and persistent outrage at the current President's behavior. Let them know you demand impeachment.

Mr. Speaker, my office has been flooded with telegrams, letters and telephone calls from citizens all over this Nation who are outraged at the dictatorial, despotic conduct of Richard Nixon. Every single person, without exception, has urged his impeachment.

Mr. Speaker, at a time like this in our history it is well for all of us to remember the words of someone who said, "Resistance to Tyranny is Obedience to God."

Mr. Speaker, I ask unanimous consent that a copy of the resolution which I intend to file with the House be printed in the RECORD at this point.

H. Res. —

Resolved, That Richard M. Nixon, President of the United States, is impeached of high crimes and misdemeanors.

IMPEACHMENT PROCEEDINGS

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, the President has given this House no alternative but to ge ahead with impeachment proceedings. This does not mean we are to take a vote today, tomorrow, or next week, and no one is proposing that. It does mean the Judiciary Committee must proceed expeditiously and responsibly to investigate charges that have been lodged and to make appropriate recommendations to this House.

Mr. Speaker, it has been almost a year and a half since the abortive break-in of the Democratic National Committee's office at the Watergate. In these past months, the scandal, corruption, and crisis have constantly intensified, as wave after wave of shocking new developments have splashed onto the front pages of our newspapers and poured forth from television sets. This unending stream of revelations has left us stunned and waiting for some indication that the flow of scandal will at some point stop, that all the facts will be revealed, and that we can then pause and assess the situation.

The events of October 19 through 23 seemed for a while to shortcircuit the need for that kind of pause and reflection. President Nixon dismissed the Deputy Attorney General and the Watergate special prosecutor, forced the resignation of the Attorney General, and abolished the Watergate Special Prosecution Force, all in the name of a compromise solution to the issue of access to Presidential tapes and documents. The nationwide reaction to this apparent defiance of the courts, the Congress, and the American people was staggering in its vehemence. The letters, telegrams, and telephone calls to my office and many others were full of outrage and insistent calls for impeachment. The reaction apparently so startled the White House that today the President's lawyer announced to Judge John Sirica that the President will, once again, reverse himself and comply with the orders of the Court of Appeals, releasing the subpenaed tapes and documents to Judge Sirical for an in camera inspection.

Many questions remain unanswered. The special prosecutor who obtained the subpena which the President will reluctantly obey is no longer on the job. Who will now press the investigation? Can we really believe that the Justice Department will prosecute those individuals associated with the White House for crimes growing out of Watergate as vigorously as the special prosecutor?

The country demanded a special prosecutor early this year and the President's conduct with respect to the tapes makes me feel that the need for the special prosecutor is more acute now than ever. What will the tapes reveal about the President's and other high officials' involvement in a wide range of illegal activities and their subsequent coverup? These and other critical questions could well lead many of us to once again hold our breaths and wait for another shoe to drop, another revelation, another indictment. However, in good conscience I can no longer wait for the ultimate development in this prolonged crisis before deciding what action should be taken.

I have today joined with many of my colleagues in introducing a resolution directing the Judiciary Committee to inquire into the official conduct of the President to determine whether his removal from office is warranted. I believe this investigation will and should result in the reporting to the full House of Representatives of a resolution to impeach the President.

This call for the initiation of impeachment proceedings is not to be taken lightly. I have refrained from such action for the 17 months since Watergate first entered the political lexicon. Impeachment is not to be used as a weapon of partisanship, or as a means of expressing or resolving political differences. I do not so use it today. Impeachment proceedings, beginning with the investigation of the many charges which have been developed over the past months, are a responsible reaction to the accumulated controversy and political rot which surpass partisan differences. The administration's obstruction of justice and assault on the Constitution and the individual liberties it protects can no longer be tolerated. The patterns of malfeasance and misfeasance, of official deception and belated disclosure, have been repeated so often and stretch so far into the core of the President's government that his resignation or removal from office appears to be the only honorable way to resolve the present crisis and restore the people's faith in government.

The resolution I have introduced today mandates a thorough investigation of all the allegations regarding the President's misconduct in office. Should the Judiciary Committee recommend to the House that articles of impeachment be presented to the full House, as I believe it should, the process would be one not unlike that which we use to initiate criminal proceedings against an ordinary citizen. The House in the case of the President would have a function similar to the grand jury—that is to lay the charges of misconduct. If the House agrees, it will impeach, just as the grand jury indicts. Instead of a regular trial court, in the case of a President, the Senate acts as a court, with the Chief Justice of the Supreme Court presiding. The text of the resolution follows:

Resolved, That the Committee on the Judiciary shall, as a whole or by any of its subcommittees, inquire into and investigate the official conduct of Richard M. Nixon to determine whether in the opinion of said committee he has been guilty of any high crime or misdemeanor which in the contemplation of the Constitution requires the interposition of the powers of the House of Representatives under the Constitution. The Committee on the Judiciary shall report its findings to the House of Representatives, together with such resolutions, articles of impeachment, or other recommendations as it deems proper.

I am supporting this form of resolution because I believe that the Judiciary Committee must be given the discretion to fashion articles of impeachment on the basis of the evidence they receive. Some of my colleagues have made valiant and commendable attempts to list those charges upon which the President should be tried before the Senate, and I am in sympathy with those efforts; however, for myself I prefer to withhold the introduction of such a resolution until all the evidence, including the tapes just turned over to Judge Sirica, have been made available.

The responsibility of the Judiciary Committee to sift through this mass of conflicting data is enormous, but it is one which must be accomplished without unnecessary delay. By giving the Judiciary Committee responsibility to decide, in the first instance which alleged offenses committed by the President warrant impeachment, we will provide the House with a highly scrutinized document, which we may be reasonably certain is free from the errors of passions which lie in hastily conceived charges.

The range of possible charges to be laid against the President is broad. First and foremost, presumably, would be obstruction of justice, through some or all of the following: Participation in the Watergate coverup, including involvement of the CIA, restriction of the Justice Department investigation, frustration and finally abolition of the Office of the Special Prosecutor; seizure of files and other evidence material to investigations by Federal grand juries; offering a high Federal post to the presiding judge at the Ellsberg-Russo trial; and withholding information regarding the Ellsberg breakin from a Federal court. Other possible grounds for impeachment include Mr. Nixon's creation of "the plumbers," a special White House group to engage in covert illegal operations in the United States; abridgement of citizens' first amendment rights by illegal wire-tapping of staff telephones and those of newsmen that disagreed with the administration; the employment of the FBI, IRS, or other Government agencies to "get" political enemies; the ordering of 14 months of secret bombings in neutralist Cambodia and the deception of the American people with respect to it; and finally the receipt of massive campaign contributions in return for favorable action by the Federal Government, for example, with regard to permissible milk prices.

Neither the Judiciary Committee's investigation of the President's conduct, nor the submission of the tapes to Judge Sirica lessen the need for a special prosecutor, independent of the executive branch of the Government, for Watergate related cases. To meet the demands of the American people for full and fair prosecution of Watergate crimes, I have also joined in sponsoring legislation to reestablish the office of Special Prosecutor. This legislation should be a complement to, rather than a substitute for, the Judiciary Committee's investigation. The bill would authorize Judge Sirica to appoint a new special prosecutor and assure the integrity of existing staff and records pending his appointment. It

would also extend the life of the Watergate Grand Jury so that it may complete its investigation, and give the special prosecutor sufficient funding to do the kind of job the American people have a right to expect.

A RESOLUTION OF INQUIRY

(Mr. ASHLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ASHLEY. Mr. Speaker, because President Nixon appears committed to the obstruction of justice and thwarting of the political process, I have today introduced a resolution directing the Committee on the Judiciary to inquire into and report back to the House of Representatives with respect to whether or not there is probable cause of Presidential wrongdoing sufficient to justify impeachment proceedings.

I was interested in the comments of the gentleman from Tennessee (Mr. (KUYKENDALL), Mr. Speaker, because it was just over 100 years ago that my great grandfather James M. Ashley, served in this body, and introduced the impeachment proceedings against President Andrew Johnson. I have studied that action and what led to it and what its consequences were. That resolution of impeachment failed, as it should have, because it was introduced by my great grandfather for purely partisan political reasons.

The same cannot be said, Mr. Speaker, of the resolution that I have offered today nor, I think, of the other resolutions offered by my colleagues. This is not a partisan action on my part or on their part. The truth of the matter is that the President has given us no alternative. There has been a question in all of our minds for months and months as to whether or not with respect to the Watergate situation the President had clean hands or whether he did not, in which case it would be our responsibility to consider impeachment proceedings. This body, very wisely I believe, has taken the view that there must be strong evidence of illegal acts by the President to satisfy the constitutional requirements with regard to impeachment. Instead of moving precipitously against the President, this body has preferred to allow the facts to be developed by the special prosecutor's office headed by Mr. Cox and by the Senate Watergate Committee.

The issue today is in sharper focus. If the President persists in his refusal to turn over the tapes and other evidence in his possession, in defiance of a Federal court order, would such a thwarting of the judicial process be sufficient grounds for impeachment? By firing Archibald Cox and dismantling his independent investigatory unit, is the President guilty of obstruction of justice?

The issue, Mr. Speaker, is whether our Nation is being governed by a rule of law or by a ruler who sets the law as he deems appropriate.

These are the questions that Americans are asking today and I believe it is the responsibility of this House to provide answers.

LEGISLATION ESTABLISHING AN INDEPENDENT OFFICE OF SPECIAL PROSECUTOR

(Mr. MOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOSS. We confront a grave national crisis. Our Constitution, rule of law and our institutions are threatened by Presidential actions of recent days.

The President:

First, appears to be in direct violation of Federal court orders;

Second, he obstructs justice, not delivering relevant evidence of possible criminal acts to the grand jury and Senate Watergate Committee;

Third, he jeopardizes criminal trials of dozens of former administration officials by interfering with functions of the Prosecutor;

Fourth, he breaches public commitments and his own Executive order by discharging Cox.

Fifth, he breaches commitments to the Senate and the people by denying the Prosecutor full authority to contest assertions of "executive privilege," and by countermanding his decisions.

The House has sole constitutional duty to initiate proceedings to consider Presidential impeachment for offenses and breaches of duty. I do not feel the House will shirk its duty.

We must continue investigation and prosecution of Watergate-related crimes jeopardized by Presidential actions. I am introducing a bill to establish an independent office of Special Prosecutor to have exclusive authority for investigating and prosecuting such offenses. It provides that the Prosecutor shall have exclusive authority to conduct proceedings before grand juries, to obtain documentary evidence from Government agencies to determine whether to contest assertion of "Executive privilege," to determine whether to seek immunity for witnesses, and to prosecute any individual or corporation.

The prosecutor will be appointed and may be removed solely by the chief judge of the Court of Appeals for the District of Columbia. Appointment is with advice and consent of the Senate. All records in possession of Cox and his staff on October 21, 1973, will be transferred to the Prosecutor.

We must assure our people this is a government of laws, not of men; that prosecution of persons violating Federal law will not be frustrated by Presidential actions. This legislation is a first step toward restoring public confidence in Government.

IMPEACHMENT PROCEEDINGS

(Mr. DON H. CLAUSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DON H. CLAUSEN. Mr. Speaker, today is both a dramatic and potentially traumatic day in our Nation's history. Members of Congress are very vocal in expressing their views and the views of many of their constituents who are deeply concerned and frustrated by the President's action over the weekend.

With the President's decision to dismiss Special Prosecutor Archibald Cox and the related resignations of Attorney General Richardson and Deputy Attorney General Ruckleshaus, the country has lost three highly qualified, distinguished, and experienced public servants, and many people are wiring, writing, and calling my office indicating their lack of confidence in President Nixon and calling for his resignation or impeachment. In time of crisis, as always, I firmly believe we in the Congress owe it to ourselves, the American public, and the principles and traditions on which our Government was founded to place matters of this nature in proper perspective.

The resignation of the President, even in the face of serious crisis now confronting the country, remains an uncertainty. Of course, as everyone knows, the Congress has the authority and power to initiate impeachment proceedings, and no one would accuse any Member of Congress of prejudging and convicting the President if the Member were to begin now to study and evaluate the purpose and application of impeachment proceedings. But let us remember a few important factors about impeachment.

First, impeachment is a means of removing the President from office for high crimes, misdemeanors and other reasons, and its infrequent use in the history of our country attests to the grave implications it holds for the political stability of the Nation. It would do us all well to remember, then, that the House of Representatives does not—or at least should not—bring impeachment proceedings against a President of the United States as a result of the deepest partisan differences, no matter how divisive the relations between the President and Congress comes to be. In my view, impeachment of a President can and should only be sought when and if it is clearly determined that the President has committed some crime or, in current parlance, when it is proven that he has in fact placed himself "above the law."

Apart from this issue, the fundamental question that must still be resolved, however, is whether or not the American people will get the full, impartial adjudication of the Watergate matter to which they are clearly entitled. As Mr. Ruckelshaus said yesterday, "the need at this point to see that the trials are carried forward probably outweighs" the President's claim of privilege and protection of confidentiality. Legally valid that the President "get the facts out" as he has promised by making the Watergate-related portions of Presidential tapes available to the courts if justice requires it.

To continue the process of "carrying forward" which Messrs. Richardson, Ruckelshaus, Cox, and millions of Americans deem so important, and to which President Nixon pledged his full support, the Congress has another alternative—it can and should move now to authorize the appointment of a free and independent investigating authority by the courts for gathering the facts and prosecuting the Watergate case, so this tragic chapter

in our history can be brought to its long-awaited end.

As Attorney General Richardson said this morning, the President has not defied any court order or given an indication of doing so. In a legal sense, he apparently has further appeals opportunities available to him and, further, the courts and Judge Sirica, specifically, can consider the possibility of approving the President's compromise offer which he, the President, feels is necessary to uphold the established principles of confidentiality and separation of powers between the three branches of Government.

This compromise offer, as I understand it, included an authenticated summary of the tapes including relevant quotes and was offered to Judge Sirica and the Watergate Select Committee of the Senate.

Senator JOHN STENNIS, who has been described by his colleagues in the Senate and more recently in a radio interview with Senator ERVIN as a man of impeccable integrity and character, has been asked to review and verify the authenticity of the tapes. The decision of the court of appeals itself authorized the preparation of summaries by the District Judge. Verbatim quotes are to be included in the summary.

It is my understanding that Attorney General Richardson played a major role in the preparation of this compromise and advanced it as a means of avoiding a constitutional confrontation and the potential crisis that might develop.

In my view, all of this could have been avoided by turning over these tapes to the courts but obviously the President feels very strongly about precedents and his constitutional obligation to protect the Office of the Presidency and the separation of powers, principle, and tradition.

What is really at stake is confidence, integrity and trust in and of governmental institutions and processes. This must be restored, above all, and restored immediately. The people are, very appropriately, demanding it. We need the earliest possible judicial determination of any verified record. The court has issued a subpena at the request of the grand jury for the tapes and certain documents. If the President fails to respond to the satisfaction of the court, he could be held in contempt of court. This is a matter that must be determined by the court at the earliest possible time.

However, time and public patience are running out. The President and the President alone must satisfactorily explain the reasons for his actions to and redeem himself with the American people. They have a right to expect this type of leadership from any President.

The international crisis in the Middle East, the energy crisis, the economy, the cost of living, and the many other problems facing this Nation demand his and our full attention—free from the burdens of this constitutional crisis.

The electorate gave President Nixon an overwhelming mandate and vote of confidence indicating their faith in him and his policies. Now, however, people have lost faith in him and his administration. I believe his place in history and the well-being of our people is dependent in large part on the restoration of that faith and confidence.

INDEPENDENT PROSECUTOR IS ESSENTIAL

(Mrs. HECKLER of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. HECKLER of Massachusetts. Mr. Speaker, like millions of Americans, I am shocked and appalled at the President's dismissal of Special Prosecutor Archibald Cox and the elimination of the independent investigator's office. The result has been the loss of three outstanding public officials—Cox, Attorney General Elliot Richardson, and Deputy Attorney General William Ruckelshaus—further weakening the Presidency and harming the entire Nation during one of the most troubled times in our history.

For this reason, I believe it essential that the Congress promptly approve a resolution I am introducing today calling for appointment of a new independent prosecutor to pursue the Watergate affair and allied crimes, with the appointment subject to confirmation by the Senate.

I am relieved that President Nixon agreed today to satisfy the court order by turning over the White House tapes, thus avoiding a constitutional crisis. If he had only done so last week, we could have averted the crisis of the past weekend, the loss of three public officials of well-known integrity, and the resulting damage to public confidence.

This is a Nation of laws and not of men. If the President fails to satisfy the court order to make the White House tapes, or a compromise acceptable to the courts, available, then he will precipitate a constitutional crisis by taking the position that he is above the law.

What little credibility remaining with this administration is further diminished by the loss of three men of excellent reputation. Mr. Richardson and Mr. Ruckelshaus resigned out of conscience and I commend them for it.

I have personally known Mr. Richardson for many years, and while I have not always agreed with him, I respect his ability and integrity.

The actions of the White House during the past few days convince me that now, more than ever, we need a thorough, independent investigation to get to the bottom of these crimes.

THE IMPEACHMENT OF PRESIDENT NIXON

(Mrs. MINK asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. MINK. Mr. Speaker, it is with regret that I have concluded that there is only one course of action left for the Congress of the United States to take on behalf of the people of this Nation if our democracy is to survive.

Accordingly I plan to introduce a resolution to impeach the President.

I do not quibble with a President's right to fire his staff. But in this instance President Nixon has gone far beyond the prerogative of merely firing a staff member. He has stepped solidly in between the promised impartial investigation of his own soiled administration and the right of Americans to know the final answer to the question of the President's conduct in office. When the President abolished the office of special prosecutor he abolished impartiality with it. President Nixon has broken the people's trust both in him and in the office of the Presidency. He has in this final act of disregard for justice laid before the people his intentions to obstruct—not to uphold—the laws and the Constitution which he twice swore to uphold as President. I regard this as a high crime against the people of this Nation.

In a country which shuns public controversy, the Congress has been asked repeatedly to hold back action and to offer the President compassion.

But the President no longer deserves this defense. It is up to the Congress to act now to protect the American people from further abuses of power.

This Nation is in need of moral leadership. It obviously cannot expect it from the President. It must be able to expect it from the Congress. If we fail our people in this crisis, we shall have yielded to what is expedient rather than what is just.

For all that has happened, there is nothing left to cheer in this Presidency. From the corruption of public trust of the Vice President, to the obstruction of justice and secret police tactics of the Presidency, there has been a relentless decadence which has sapped the people's confidence in justice as well.

We are a nation of law and morality. And we shall remain that way only if the people, the courts, and the Congress remain true to their pledge of allegiance to country and not allow loyalty to one man obscure this solemn responsibility.

The President's professed dedication to constitutional principle which previously prompted him to refuse to surrender the tapes to the court, suddenly with cries for impeachment from all corners of America ringing in his ears, gave way to the shallow and obvious expediency of saving his own skin.

It is my firm view that the tapes were a clever subterfuge to obscure the real struggle. It is clear to me that the President accomplished his major objective, that of firing the independent prosecutor whose investigation was closing in on the President's own activities.

If our Government based on law is to survive, we must insist on a full and impartial investigation to determine all the facts in the Watergate scandal and related matters bearing on President Nixon's fitness for office. Without an independent special prosecutor within the executive branch, the Congress must now assume this responsibility which can be done only by impeachment proceedings.

During impeachment the Congress has the full and uncontestable right to the

highest and best evidence. It can initiate and conduct its own inquiry. The refusal of the Executive to supply requested information can in itself become grounds for impeachment, and it is in this context that we must proceed. Given President Nixon's repeated efforts to block the disclosure of relevant data, together with his attempts to obstruct the orderly process of justice by firing Mr. Cox, it has now been demonstrated that we can expect no reliable solution to the problem unless Congress acts.

I believe we must proceed with the impeachment of President Nixon so that the American people can finally know that justice has prevailed.

IMPORTED FIRE ANTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. YOUNG) is recognized for 60 minutes.

Mr. YOUNG of South Carolina. Mr. Speaker, the imported fire ants, samples of which I hold in these bottles in my hand, are a hazard to the health and safety of any person or animal living in an area which they infest. They concentrate in mounds in open fields and forests.

Members of my staff have counted 200 of these mounds in a 5-acre field in South Carolina. One of my constituents, an employee of the South Carolina Public Service Authority, stepped off his truck into a fire ant bed, and before he could undress, he had 156 bites. An employee of the State highway department has holes and rotten places on his legs from fire ant bites. One farmer has lost more than 100 pigs at birth due to the fire ants' swarming. Young cattle have been killed and there is even one case of a full-grown bull being fatally attacked.

Doctors have reported an unusually high number of cases where treatment for these bites was required in my district. There have been more complaints about fire ants this year than ever before, and I have literally hundreds of pleas for help.

What makes all of this so tragic, Mr. Speaker, is that the help is available. Help could be given. This help, however, is blocked by a ridiculous ruling from the Environmental Protection Agency. The chemical pesticide, Mirex, can and does eliminate the fire ant. Because of the biology and life cycle of the imported fire ant and the composition of Mirex bait, there are two periods in the year in which treatment can be effectively made—from about March 15 to May 15—and from about September 1 to November 15. The bait is most likely to attract ants after the end of August since the colonies will by then have grown large enough to have continuous foraging activities. Scientists from the Department of Agriculture and from State universities agree that the only effective and practicable method of distributing this poison is by airplane. Ground broadcast application will not work and the cost of even such partial treatment is four times as high as aerial application. The Environmental Protection Agency permits the aerial application of Mirex except on or near rivers, streams, lakes, ponds, and other aquatic areas, and also—this is where we find fault—it prohibits the aerial application of Mirex in coastal counties or parishes.

The Environmental Protection Agency admits that troublesome concentrations of Mirex have not been demonstrated in the aquatic environment and is prohibiting such aerial application only because the Administrator says:

> I am naturally reluctant to permit distribution of Mirex bait in a manner that might contaminate estuaries and lakes and streams.

The U.S. Department of Agriculture, the State departments of agriculture in the affected areas, the State universities knowledgeable in this area, and I, all believe that the environment will be equally well protected if the Agency's orders were amended to delete the reference to coastal counties. This would still prohibit the treatment of estuaries, rivers, streams, lakes, swamps, ponds, heavily forested areas, and other aquatic areas; thus the protection of the aquatic environment which was the rationale for the Agency's prohibition of aerial application in coastal counties would not be impaired. At the same time, people living in coastal counties and in areas remote from estuaries would receive the benefit of the imported fire ant cooperative control program.

There are presently 72 infested coastal counties containing 8 million people in a land area of 37 million acres. Protection of estuaries from contamination is a function of distance and topography, not political boundries. Some coastal counties contain areas as far as 80 miles from the coast, while some noncoastal counties contain areas only 5 miles from the coast. Compare Baldwin County, Ala., a coastal county, with Washington County, Fla., a noncoastal county. Contour maps and aerial photographs show that most of the 72 infested coastal counties have significant upland areas identical to those in noncoastal counties. A good example is Horry County, S.C. This area is infested by the imported fire ant—735,000 acres of infestation and this acreage grows each year that treatment is disallowed. This infested area is, in virtually every respect, identical to an upland area in a noncoastal county. There is a high percentage of rich, heavily farmed area with no direct drainage whatsoever into the estuaries. Further, a major highway, U.S. 17, runs above the coastline and it would be highly improbable for there to be any movement of Mirex bait into the estuary from aerial treatment on the inland side of this highway. The Environmental Protection Agency might have good arguments that it would be inadvisable to have aerial application too close to the estuary, but areas far removed therefrom could and should be so treated with no significant risks of contamination. An examination of a contour map would show that the sensitive area to be avoided in this county is really the Waccamaw River which originates in North Carolina.

Yet the danger of contamination is as great in noncoastal counties in North Carolina, as it is on the South Carolina coast. In such noncoastal counties, the river would be protected not by an artificial coastal county prohibition, but rather by the prohibition of aerial treatment upriver. We seek the same treatment for coastal counties.

I have been using Horry County as an example because I am, of course, most familiar with it. Some counties come within 5 miles of the coastline yet do not actually touch the coast so spraying is allowed, while in Horry County, we are not even allowed to spray 43 miles from the coast. Everyone knows that I am for preserving the environment in every way possible, but the EPA is using political boundaries—county lines—and the only justification I can see for this is because it is easier on them to do it this way rather than to judge cases on the basis of their individual facts and merits. All of the other 72 coastal counties with fireant infestation deserve the same treatment.

Earlier this summer my office sought, along with the Horry County Agricultural Extension Agent, Clemson University, and the U.S. Department of Agriculture, a special exemption for Horry County to permit the aerial spraying of Mirex bait in 90,000 of the 735,000 infested acres. The closest approach to the coastline was 8 miles. The plan had been worked out with careful coordination from the EPA. The Department of Agriculture has proposed a close monitoring program. Every effort to compromise and cooperate in good faith has been made. Shortly before the August recess, two officials of the Environmental Protection Agency sat in my office and gave me the green light—the goahead that some kind of aerial spraying in Horry County would be allowed so long as the proposed plan would stay away from aquatic areas. Clemson University was notified, the county was notified—the Mirex was purchased and the planes were hired—yet in mid-September, the Agency went back on its commitment, given by its agents in my office. EPA wants to await the results of a public hearing which was scheduled this spring, then rescheduled this summer, then rescheduled for late summer, then rescheduled for fall, now rescheduled for winter before modifying its existing orders relating to Mirex.

Mr. Speaker, EPA has bamboozled many good and decent people who look to them for help into missing this year's opportunity to control the fire ant. These people will have to live with the fire ant for another year. I do not think we in the Congress should permit EPA to go through this same process once again.

Last week I introduced legislation to require the Administrator of the Environmental Protection Agency to modify his Mirex orders, to delete the prohibition of aerial application within coastal counties or parishes and yet at the same time to permit such applications by using the same standards applicable to the noncoastal counties. H.R. 11039 would not tamper with EPA's tentative, unsupported, determination that Mirex might, in some cases, be potentially harmful to aquatic organisms. What it would do is require EPA to quit letting arbitrary, artificial, political boundaries from determining the environmental policy of the United States.

These ants are a health hazard—they are injurious to livestock, people, and farms. We cannot stand by and watch them damage our people just because some Washington bureaucrats apparently have no intention of being bothered with this serious problem. If the Environmental Protection Agency is unwilling to be responsive to the needs of our people, then it is Congress' responsibility to act.

Mr. SYMMS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of South Carolina. I would be glad to yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Speaker, I thank the gentleman for yielding, and I appreciate the gentleman's efforts in bringing this information before the House.

I will ask the gentleman, is there any way we could get those fire ants turned loose down at the EPA offices?

Mr. YOUNG of South Carolina. Mr. Speaker, I would like to respectfully submit to the gentleman from Idaho that they would not let me bring them up here alive. I agree that would have been a very appropriate place to put them. The only way I could bring them here would be to bring them in formaldehyde.

Mr. Speaker, I thank the gentleman for his question.

We are very concerned about this problem, and yet we seem to get no real response from these folks. We feel the best way to do it is to bring it to the attention of this Congress, because we feel the final law of this land rests with this body.

Mr. Speaker, these mounds are some 2 feet high, and these fire ants are very tenacious as they attack not only animals but human beings in our area. We feel very strongly that something needs to be done immediately to stop this epidemic in the coastal counties of this area.

Mr. DAVIS of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of South Carolina. I would be glad to yield to my colleague, the gentleman from South Carolina.

Mr. DAVIS of South Carolina. Mr. Speaker, I join my distinguished colleague from South Carolina, in asking the Congress to grant some form of relief from the growing and very serious problem of fire ant infestation.

As is well known, the chemical agent Mirex is one of the best proven killers of fire ants. Mirex, in order to be effective against this pest, needs to be spread over a wide area. Airborne distribution is the only feasible way of doing this, but the Environmental Protection Agency has prohibited aerial application of Mirex in the coastal counties of the Nation and, in particular, the First District of South Carolina, regardless of ecological safety measures taken in advance and regardless of the distance from the coastline of the proposed spraying.

That is a pretty arbitrary ruling by the Environental Protection Agency. It specifically forbids aerial spraying of Mirex. And it further sets forth restrictions against ground use that pretty effectively curtail use of the chemical at all.

Time and again, complaints have been voiced to EPA officials concerning this arbitrary policy, but in true bureaucratic fashion the EPA has turned a deaf ear on these complaints and has steadfastly refused to modify its policy.

The EPA had promised to hold public hearings on the fire ant problem, but they have delayed the hearings for months now. I have in my files some of these hearing notifications, and the files go back over a year. Time and again, the EPA has delayed the hearings. Time and time again, the people affected by the spread of fire ants have been thwarted by the EPA in their attempts to tell their side of the story.

I have a suspicion that at least part of the reason for this lackadaisical attitude on the part of the Environmental Protection Agency is that officials there have a generally hazy view of what the fire ant problem is all about.

Undersecretary of Agriculture J. Phil Campbell, for instance, said in a meeting in the Longworth Building in May that—and I use his words now—"the problem is mainly that of a people pest and is not damaging economically."

That kind of statement shows a general unfamiliarity with the fire ant. Of course it is a "people pest," as anyone who was ever bitten by the fire ant will be quick to tell you. But it is a very major economic problem also. It is so "damaging economically" that 50 farmers in and around Colleton County in South Carolina, which is part of my district, were distressed enough to come to a meeting on the fire ant problem. They sure thought the fire ant was "damaging economically" and they were there to find out what could be done to solve the problem. My files are absolutely bulging with letters from people concerned with the infestations of fire ants in their fields and pastures and forests. My files are filled with requests for immediate help in fighting this so-called people pest.

Just how serious is the problem? Let me quote from a letter of a cattleman in Charleston County, S.C.

> I have a cattle ranch on Highway 17, and the fire ants are about to run us crazy. For a long time, the government had a program of spraying Mirex from airplanes which kept the ants well under control and almost had them eradicated. However, in the last two or three years, that program has been stopped, and the fire ants have really taken over the pastures. The only treatment we know is to take buckets of mirex and treat with a spoon each individual mound. I am sure you can see the impossibility of this practice.

This cattleman and others in the First District of South Carolina have told me of the death of calves and, in some instances, full-grown steers, from multiple bites of the fire ant. Others tell of the serious injury to their livestock by what one government official describes in an off-hand manner as being a "people pest."

Any ant which can kill a full-grown cow is a pretty awesome insect. For those here today who are unfamiliar with the fire ant, let me describe to you how they operate. Fire ants build nests of dirt above the ground. They resemble a few shovelsful of dirt piled up. If you take a stick or something and just scrape off some of the dirt, you will behold literally millions of rather smallish red ants swarming in the nest.

When an animal steps into a nest like this, the ants simply swarm all over it. They inflict very painful bites, which effectively destroy tissue and cause infection. An animal can die of shock from the multiple bites, or it can die of infection or a combination of the two factors. In any event, an animal can die.

Human beings are not immune, either. If you can imagine an adult beef steer being killed by a swarm of fire ants, it is easy to imagine what they could do to a toddler who accidentally wandered into a nest. As far as humans are concerned, I have a letter in my files about a young woman in the Charleston area. The letter comes from her mother and tells about an incident early this year:

> In April, while in her yard, one fire ant stung her on her toe. She was instantly on fire and had what the medical people call a massive reaction. Only the fact that a neighbor could get her to a doctor, we believe, saved her life. Now we understand, if she is stung again, she would have less than five minutes to get medical help. Her doctor has provided her with a small kit to give herself medication, in the hope that if she is stung, she can ward off a reaction long enough to get to a hospital.

I think that letter from a constituent does more than anything I could say to place the fire ant problem in its proper perspective. The fire ant certainly is more than a "people pest." It is a people killer in some cases. It is a livestock killer. And in that light, it can wreak economic havoc.

I just wish some of the Agriculture Department and Environmental Protection Agency decisionmakers would get out from behind their desks here in Washington and travel to the First District of South Carolina to get a firsthand look at the severity of the fire ant problem.

They would see entire fields and pastures dotted with fire ant beds. They would see forest land which is unsafe to walk through for the same reasons. They would see surburban lawns with fire ant nests.

The people do not know what to do. On a recent trip in my district, I was shown a large fire ant bed in a lady's front yard. She knew what it was but not what to do about it. She had not been advised by the Agriculture Department or the EPA about Mirex. She was of the opinion that gasoline might work on the nest. It would not. The ants simply burrow underground and come to the surface some distance away, where they build a new nest.

Surely this situation has got to be rectified. Fire ants are an increasing problem in my district as well as other portions of South Carolina. Coastal areas are not the only places affected. And South Carolina is not the only Southern State affected.

We have got to have a totally effective program to eradicate the fire ant, and that includes a program which can be used in the coastal areas in the Southeast. If we do not have such a program, we will simply be wasting money on a half-hearted effort.

To quote a source in State government in South Carolina:

> The EPA has literally tied our hands as far as eradication of fire ants is concerned, and control programs are also likely to be affected.

The Environmental Protection Agency has, to be sure, recently issued an order allowing limiting air spraying of Mirex in six Southeastern States this fall. The order is similar to one in the early part of the year, but the order permits Mirex by aerial spraying only on fields near small streams and farm ponds which are not shown in U.S. Geological Survey maps with a scale of 1:24,000.

The order bars this spraying from coastal counties, even counties which have only a small portion of their borders touching the ocean and others which touch not at all but have a stream running into a river.

So, when the ant is driven from the interior land areas by the Mirex spraying, they are, in all likelihood, going to migrate into the coastal areas, where they are already in residence in great numbers.

Many of the farmers in the coastal areas of my district, already contending with large fire ant colonies, cannot fight such a handicap any longer, and they certainly will not know what to do with even more of the insects.

Some sort of realistic compromise is in order here, and it must come pretty soon. I understand the environmental concerns relating to Mirex, but I would point out that no one has definitely proven any ecological disasters in the past due to aerial spraying of this pesticide. I am of the opinion that some measures must be implemented immediately in the coastal areas of the Southeast, and if the Environmental Protection Agency is not ready to take them, then the Congress must.

The environment we are protecting, after all, includes animals and human beings affected by the fire ant.

If the EPA will not get off dead center on this question, I feel Congress must do it for the EPA. Let us work out some acceptable formula with the EPA so that the coastal areas can get some relief, but let us not just continue to turn a deaf ear to the complaints we are hearing from these areas.

And if the EPA wants no part of this problem, then I say the Congress must be prepared to go its own way. We are speaking of people with a problem here, the very same people who elect us to office and who expect us to help them and work for them.

I join with my colleague from South Carolina in supporting legislation which will lay down new ground rules for battling the fire ant. And I would urge all of my colleagues to do likewise.

Mr. YOUNG of South Carolina. Mr. Speaker, I wish to thank the gentleman from South Carolina (Mr. DAVIS) for his comments.

I would like to conclude by recognizing the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I thank the gentleman for giving me this time. I wish to rise in support of what the gentleman is saying.

While I do not have a fire ant problem in my district, just this morning the gentleman from Idaho (Mr. SYMMS) told EPA some things that they did not like to hear.

I think it is time EPA gets somebody into its organization who knows something about the practical application of pesticides. Apparently they have no one down there who does.

Our argument this morning was on banning the use of DDT to control tussock moths and gypsy moths which we have throughout the entire country.

We hear a great deal about conserving, conserving, conserving. Our environmentalists say nothing but conserve, conserve, conserve. Yet we have lost millions of acres of trees which we desperately need today for lumber, and in spite of that they refuse to allow us to use DDT.

So I compliment the gentleman for bringing this to the attention of this House.

Mr. YOUNG of South Carolina. I would like to thank the gentleman from Pennsylvania. I could not agree with him more about the moths.

I am glad to yield now to the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. I would like to congratulate the gentleman for bringing this matter before the House.

We have had the same problem with regard to coyotes eating up sheep in the western part of the United States. We want to preserve the coyotes, but we do not want to destroy the sheep.

We have the same problem with timber, as the gentleman from Pennsylvania (Mr. GOODLING), mentioned. We could go on and on and on with many other items.

If there has even been a time in our history when we need to have common sense with regard to the conservation of our natural resources, now is the time.

Many of the decisions coming out of the bureaucratic arm of our Government overrule the professionals in the other branches of the Government who want to make the right decisions in this regard.

I point out that the Forest Service has skilled technicians who are capable of making proper decisions, but they are not allowed to use their professional abilities to seek out the tools that they should use simply because the Environmental Protection Agency's irrational and irresponsible decisions have been coming out of that organization with regard to the use of DDT and many other pesticides and rodenticides which are very clearly defined under the proper act.

However, the EPA has new authority and becomes a very activist agency. We cannot afford that at this time in our history.

I commend the gentleman from South Carolina for bringing this matter before the House today.

Mr. YOUNG of South Carolina. I would like to thank the gentleman from Idaho for his remarks.

I believe we need to be practical here. One of the things we need to point out is that the Myrex used to destroy the fire ants is a pellet form of insecticide which is put out for use. Ants carry that Myrex into the ants hills inside and in turn it is given to the queen fire ant. When the queen ants eats this Myrex, it in turn destroys the queen.

We have the method here. What concerned us throughout this whole matter is that the method is in hand. Yet the EPA allows us to treat within 5 miles of the coast in a county whose boundary does not touch the coast. Yet they prohibit us from treating 43 miles inland. That is unreal because we have such a desperate need to rid this area of the epidemic of fire ants which we have in our area.

ELECTION CAMPAIGN ESPIONAGE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DON H. CLAUSEN) is recognized for 20 minutes.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise today to introduce legislation that I believe would make a significant contribution in the area of election campaign reform and which I further believe is consistent with the inherent responsibility of the Congress to insure open and free elections in this country.

I am a politician and I am proud of my profession. Throughout my 17 years in elected public office at both the local and national levels of goverment, I have witnessed with increasing frequency and momentum the steady downgrading and maligning of this honorable profession.

More important than our individual and collective reputations, however, has been a corresponding loss of public faith and confidence in both our governmental and political processes in this country.

Watergate and related episodes, as we are aware, have pointed up some facets of political campaigning that have shocked and surprised not only the general public, but many of us in elected positions as well, who—naively or not—believed we knew everything there was to know about practical politics. Granted, I have read and heard about political "dirty tricks" practically all my life and, as I look back now, I recall that many people passed them off as inevitable and even humorous political pranks. And, further we have all heard of individual cases of political bribery and extortion and many of us in this body have known some of the principals involved. But, they were always "isolated cases" and many of us assumed they represented little more than that tiny handful of mis-

guided people in politics who "make us all look bad."

Out of the Watergate revelations, however, has come a term that has come into increasing usage in describing recent political election activities. That term is "political espionage" which I would describe as the "practice of political spying or the use of political spies to obtain information about and/or disrupt the plans and activities of other political candidates or committees." If nothing else, Watergate has caused me to look into and reflect upon just how valid and widespread "political espionage" has become in American election campaigns, particularly in Presidential campaigns. It has caused me to question, for instance, whether massive vote frauds in the 1960 Presidential election in fact resulted in the wrong person being "elected" President of the United States. After all, massive frauds in five populous States do not just happen. And I wonder, now, having reflected on the 1972 Presidential election and others, how many able, qualified, and deserving candidates for Federal elective office may have been defeated or driven out of the race solely because of political espionage and the dirty tricks which can and often do result?

Sooner or later every concerned American and every Member of this body will have to ask himself the question. "Is this what we want in our political process?" If we are to continue to pride ourselves on having "free and open elections" in this country, how much longer can or should we be expected to tolerate political spying? Quite frankly, I find the term "political espionage" repugnant and repulsive when equated to free and open elections.

I believe I speak for many Members of this body when I say that political espionage has no place in American politics and that legislation to deal with it is an idea whose time has come.

There is no question in my mind that public trust and confidence in government, in politics, and in politicians has reached a new low in American history. As elected officials, we have a choice. We can either sit by, do nothing, and witness a further deterioration in public confidence in our system of government which has the potential of destroying it, or we can face the issue and take positive and constructive actions that will help restore trust, faith, and confidence in this country. The choice is ours. The responsibility to act and take the initiative is ours.

Thus far in this first session of the 93d Congress we have witnessed the introduction of bill after bill intended to strengthen campaign financing in one way or another. Certainly, this is a matter of genuine concern to the American people, to those of us who are faced with the awesome prospects of raising thousands and thousands of dollars every 2 years to get reelected, and to those who challenge us every 2 years and must do likewise. To my knowledge, however, not a single piece of legislation has been introduced thus far to deal with political espionage or spying.

Today, Mr. Speaker, I am introducing such a bill, known as the Election Campaign Espionage Act of 1973. Specifically, my bill serves a three-fold purpose:

First. It would prohibit any employee or volunteer working on behalf of one candidate or political committee to provide any service to another candidate or committee with the intent of interfering with any election or campaign activity of such other candidate or political committee.

Second. It would prohibit the use of contributions or any campaign funds for the above purpose, or to aid in the commission of any other offense already prohibited by State or Federal law such as wiretapping, electronic surveillance, burglary, breaking and entering, and so forth.

Third. It establishes as a felony any attempt on the part of an employee or volunteer working in a political campaign to intentionally or deliberately conceal any known or suspected violation of this act or any provision of the Federal Election Campaign Act of 1971 dealing with campaign financing and the reporting thereof.

Section 1 of the bill addresses itself to the fundamental technique of political spying—that of "planting" people representing one candidate or committee into the headquarters or campaign of an opponent for the express purpose of gathering information and/or interfering with the election. Developing the specific language in this section was difficult but I believe it is both specific and comprehensive enough to make its meaning and intent unmistakable.

For the purpose of this section, an "employee" is defined as any individual volunteering a portion or all of his time on behalf of any candidate or political committee excluding any individual having the status of independent contractor with respect to such candidate or committee.

Section 2 of the bill goes one step further by prohibiting the use of contributions or any campaign funds for the "planting" of political operatives or for any other illegal purpose. One of the lessons learned from the Watergate break-in and related acts of political espionage was the astonishing realization that thousands of dollars worth of campaign funds were spent to purchase equipment for illegal purposes. Thus, while the acts of breaking and entering, burglary and "bugging" were unlawful, purchasing the equipment was not, provided it was reported in accordance with existing campaign financing laws. So, this provision of the bill attempts to close that glaring loophole as well.

Section 3 of the bill makes it a felony to conceal or "coverup" known or suspected violations of this act. Throughout the Watergate hearings, I was struck by the fact that, apparently, countless individuals who may have been involved directly with the "dirty tricks" that went on—were nevertheless aware that such activities had been conceived, planned, and carried out. In researching this point a little further, I also learned that the Congress had failed to include a "concealment" provision in enacting the Federal Election Campaign Act of 1971 as it relates to the recording and reporting of campaign finances. In my judgment, this is a "door" that must be closed. Had we had such provisions in effect in 1972, I venture to say the Watergate "whistle" would have been blown a lot earlier than was actually the case. In considering this or any future campaign reform legislation, I believe the Congress must include safeguards against coverups by spelling out provisions which prohibit the deliberate or intentional concealment of unlawful campaign acts.

On the question of punishment upon conviction of any of the three offenses established in this legislation, I have specified a maximum $10,000 fine or imprisonment for not more than 10 years.

In offering this legislation for consideration I realize full well that it is not the comprehensive election reform "package" that is needed to repair the ailing body politic in this country. I am also aware and sensitive to the fact that we in the Congress must avoid what some have described as "an orgy of reform" or "band-aid reform" or reform which takes on the appearance of change just for the sake of change.

In the wake of Watergate and the ongoing hearings by the Senate Select Committee on Presidential Campaign Activities, it no doubt will be the view of some that we should wait until the committee has completed its hearings and deliberations on needed campaign reform legislation so that we might have a better understanding of what the problem is and the benefit of the committee's findings and recommendations. With respect to a comprehensive reform approach, I agree with this contention. On the question of political espionage and spying, however, I for one do not feel constrained in the least. On the contrary, I believe it is absolutely essential that this or a similar measure not only be included in any comprehensive campaign reform "package" that may be forthcoming, but that the Congress act swiftly to end political espionage before next year's election campaigns get underway.

Therefore, it is with this conviction and this sense of urgency that I offer this legislation now. I would hope that extensive and broad-based hearings into the question of political spying could be initiated soon and that the House will take the lead and exert the necessary leadership in this much-needed area of campaign reform.

Lest there be any misunderstanding, this legislation is neither intended as nor does it constitute criticism of this or any other administration. Rather, it is a reflection and a commentary on political campaigning in this country over many years. The fundamental reform embodied in this legislation goes

far beyond Watergate and the need for it did not originate with Watergate. Watergate was merely the catalyst.

I am told that a nationwide poll some 15 years ago showed that 80 percent of the American people thought government could and should be trusted—but, that in the intervening years, that percentage has declined to the point that, today, only 1 in 2 Americans places much trust or confidence in the integrity of public office holders. Certainly, we in Congress and in government cannot restore this massive erosion of public faith overnight, or through the enactment of laws alone. But, we must begin somewhere and we must begin soon.

I am convinced that if we, as Federal legislators, can demonstrate to the American people by word, by deed, and by personal example that we are worthy and deserving of their trust and that we have truly engaged in the kind of political soul searching that is essential in these trying times, we can indeed turn the tide and restore public confidence in government.

In the coming days, I will be contacting all of my colleagues on both sides of the aisle urging cosponsorship and favorable consideration of the Election Campaign Espionage Act and their support for it. In addition, I will be asking the committee to which this bill is assigned to hold hearings promptly and I am hopeful that it will be so considered.

This question of campaign reforms is, without a doubt, one of the most compelling challenges facing the 93d Congress, and I am both confident and optimitic that we will rise to the occasion by enacting this or comparable legislation which will help bring political espionage in America to its much deserved end.

THE CASE OF ZELIK GAFONOVICH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RONCALLO) is recognized for 2 minutes.

Mr. RONCALLO of New York. Mr. Speaker, the right to emigrate is a universal human right which the Soviet Union agreed to honor, but, regretfully, does not. Emigration from the Soviet Union is very restricted.

Therefore, friends in Israel of Zelik Gafonovich and freedom-loving people everywhere have reason to be concerned about his fate.

Except for one synagogue, this 24-year-old Jew from Vilna can find almost no evidence in his city of the thriving, intensive cultural and spiritual life which once earned for it the name Jerusalem of Lithuania. At present, Soviet Jewish youth in increasing numbers feel that there is no future for Jewish life in the Soviet Union. They want to live in Israel, and are ready to face whatever danger lies ahead there.

Almost 2 years ago, Gafonovich applied to OVIR—passport office—for an emigration permit to Israel. It was denied, and since that time the Soviet authorities have subjected him to harassment and punishment.

On February 21, 1973, 2 days before the defense of his thesis, Gafonovich was summarily expelled from the Technical Institute. He had been a good student and had incurred no reprimands. Yet his expulsion was demanded by the chairman of the Lithuanian KGB—secret police—and carried out by the institute administration without delay.

Also, the telephone in the family's apartment was disconnected because the family had received personal calls from Israel. Court action by Sarah Gafonovich against the director of the Vilna City Telephone Network was dismissed. Zelik sent letters of protest to the Soviet authorities demanding the reconnection of the telephone.

Zelik's apartment has been searched many times. It is feared that the KGB will find some pretext for arresting him and that he will be imprisoned.

Congress must pass the Mills-Vanik bill and help open the gates of emigration from the Soviet Union.

PRESIDENT NIXON AND THE WATERGATE TAPES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. CLEVELAND) is recognized for 5 minutes.

Mr. CLEVELAND. Mr. Speaker, I asked for this special order because I am deeply concerned as to the manner in which this body appeared disposed to respond to recent developments involving the Watergate tapes, the firing of the special prosecutor, and the resignation of the Attorney General and his deputy.

I outlined some of my thoughts on the subject in a statement I issued in response to numerous requests much earlier today and which I am inserting in the RECORD following these remarks.

Many of the 1-minute speeches which were delivered here since this morning—including calls for impeachment—reflected a disturbing inclination to prejudgment.

The Congress, which so often has been accused both rightly and wrongly of inaction, today seemed moved to overreact and to do so in ill-conceived haste.

The Vice President requested this body for an action which well could have had the effect of initiating impeachment proceedings against him. It would be ironic indeed if this body, so recently reluctant to respond to that request on grounds court action was in progress, now dismissed all caution in this instance. Yet the courts are manifestly at work on matters which would bear on the subject of impeachment.

I have recently reread John Kennedy's Profiles in Courage treatment of the popular passions over the impeachment of Andrew Johnson, and find disturbing parallels in the emotions evident in this body earlier today.

Naturally, I am pleased that the President has seen fit to release the tapes, as I myself urged this morning. Another of the more operative of my observations concerns the difficulty in making a definitive statement that will not be at once overtaken by events.

Many questions remain unresolved by the President's decision concerning the tapes, and in view of them I maintain my support for a congressional investigation or an inquiry by an impartial body established by the Congress. Hopefully it would be conducted in a calm and thoughtful manner in keeping with the momentous responsibilities we bear.

Watergate and its ramifications require that we find the facts and face the facts—with fairness and fortitude. The times demand it. We should not overreact, nor should we act precipitously as we deal with complex and critical problems which test our very capacity for self-government.

The statement follows:

CLEVELAND STATEMENT ON WATERGATE INVESTIGATION

The events of the past weekend have been deeply disturbing to me in view of my repeatedly stated support for thorough and impartial investigation and prosecution of all implicated in criminal activity. I regret the resignations of the Attorney General and his deputy and their reasons for resigning. It is difficult if not impossible to speak definitively on a fast moving and complex situation which is still developing.

As to the question of the Watergate tapes, it has yet to be determined whether the compromise offered by the President's attorneys represents a reasonable compliance with Judge Sirica's order acceptable to the courts. This will be resolved in further court action, which in turn may shed further light on the President's grounds for dismissing Mr. Cox.

While recognizing a president's need to protect the confidentiality surrounding certain activities of his office, I believe the higher interests of the office and the nation now dictate release of the tapes as required by the courts.

I regard talk of impeachment as premature, in that final court determinations bearing on the possible grounds for impeachment have yet to be made. I'm also afraid it will give Congress a tempting excuse not to act promptly on the Ford nomination. Although action on impeachment may be premature, I would support a Congressional inquiry or the establishment by Congress of an independent investigatory unit, or both.

MILITARY INVOLVEMENT IN MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. MARAZITI) is recognized for 5 minutes.

Mr. MARAZITI. Mr. Speaker, in times of war, events move swiftly. No one knows what at any moment will trigger the military involvement of the United States in another tragic war.

The stage is set for another "Vietnam."

Therefore, it behooves us to act at once to take precautions and prevent our military involvement in the Mideast holocaust.

I do not object to the sale of military equipment to Israel. However, I do, ve-

hemently, object and deplore the delivery of the equipment into Israel and the combat zone by American planes and transport and the use of American military personnel to unload the equipment in Israel or the combat zone.

The Defense Department has announced that American Air Force Reservists are participating in an airlift directly to Israel and approximately fifty—50—American military personnel are on the ground in Tel Aviv unloading U.S. military supplies.

This action cannot and should not be tolerated by Congress.

I call on the President to forthwith cease and desist in the use of American personnel—military or civilian—and the use of American transport to deliver and unload military supplies directly into Israel or the combat zone.

OUR COMMITMENT TO THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. COHEN) is recognized for 5 minutes.

Mr. COHEN. Mr. Speaker, from the beginning, I have deplored the outbreak of hostilities in the Middle East and have earnestly hoped that a peace would be negotiated in that area. Consequently, I welcomed with relief the news early Monday morning that a cease-fire resolution, unanimously agreed to by the United Nations Security Council, had been accepted by at least two of the principal combatants, Israel and Egypt, ending 14 days of untold terror and hardship for all. Today, I find it impossible to express my disappointment that after only a few hours the cease-fire has completely crumbled and the carnage is continuing unabated.

In determining the U.S. response to this situation, we must remember that Israeli intelligence had knowledge of the inevitability of conflict because of the arms buildup in the nations surrounding her. However, the Israelis exercised restraint in not attacking first and thereby gaining a tactical advantage. This restraint, proof of Israel's desire to seek a solution to the Mideast impasse by means other than all-out war, has cost her greatly in terms of men and materiel. Therefore, I have strongly supported the Nixon's administration's decision to replace weapons lost by the Israelis, and, in view of the renewed hostilities, I believe it is imperative that the United States continue this policy.

I applaud the continuing efforts by the President, Secretary of State Kissenger, the United Nations, and the Congress to effect a lasting peace in this troubled area of the world. As of last week, 12 resolutions had been introduced to the Congress reemphasizing the need for a prompt response to this crisis. These resolutions are proof that congressional support of the President's action in the Middle East remains steadfast. More important, however, is a statute enacted by the 91st Congress which authorizes the President to transfer to Israel by credit sale such arms as may be needed to enable Israel to defend herself. I plan to direct my energies to the implementation of this law.

In my opinion, before we can achieve a semblance of lasting peace in the area, there must exist a balance of power from which to negotiate by force of words not arms. Maintaining this balance is the commitment we must pursue.

THE WAR IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 5 minutes.

Mr. DRINAN. Mr. Speaker, I spoke and wrote about the sad and tragic happenings in the Middle East on many occasions during the past 2 weeks. Today I have the hope that at least a cease-fire has occurred and that hopefully some type of lasting peace may now be worked out.

It is still indeed dreadful to think of the enormous casualties and the personal tragedies which have come to some 12,000 Israeli soldiers west of Suez in Egypt and another body of many thousands of Israeli soldiers deep in Syria far beyond the Golan Heights only a few miles from Damascus.

Everyone thinks with sorrow of how Soviet Jews in Kiev, Moscow, and Leningrad must feel with respect to the postponement of the enactment of the trade bill with the Jackson-Vanik amendment.

About the only bright spots in the entire picture of Israel's fourth war in 25 years is the fact that the United States has lived up to its commitments and that the United States during the first 12 days of the conflict authorized shipments to Israel of material costing $825 million. We are told by the Pentagon that the shipments to Israel by the United States equaled the fantastic outpouring of military hardware by the Soviets for Egypt and Syria.

It should be noted that much of the equipment sent by the United States during the war will be paid for by Israel and that all previous U.S. military equipment sent to Israel was paid for by that nation and not received on a grant or gift basis. New legislation is necessary for Israel to receive military equipment on a direct-grant basis.

I think at this particular time it will be helpful if we review first, the consistent foreign policy of America toward Israel as enunciated by the Congress, second, the vast amount of aid to the Arab States given by the United States over the past 20 years and third, the new perils which Israel will confront in the months and years ahead.

I. CONSISTENT CONGRESSIONAL INTENT TO ASSIST ISRAEL

From the very day of the establishment of Israel in 1948 by the United Nations, the Congress of the United States has consistently authorized assistance to this small nation. I have often wondered whether it would not be better if the mutual assistance agreements between Israel and the United States were not reduced to a treaty or a clear executive agreement. I raised this point with officials in Israel on more than one occasion. They took the position that this was the problem of the United States and that they had every confidence that they could continue to rely upon the bipartisan policy of aiding Israel which has always been an unchallenged feature of American law.

In 1949 Congress made it clear that Israel was eligible to receive military assistance from the United States under the provisions of the Mutual Defense Assistance Act. Similarly on December 7, 1951, Congress gave aid for refugee and relief projects under the terms of the Economic Assistance Agreement.

During the 1950's and 1960's Israel was able to purchase those items necessary for its defense from the United States. After the Six-Day War in 1967 Congress made it overwhelmingly clear in section 651 of the Foreign Assistance Act that it was a policy of the United States to provide Israel with an adequate deterrent force. The language of this section reads as follows:

> It is the sense of Congress that the President should take such steps as may be necessary . . . to negotiate an agreement with the government of Israel providing for the sale by the United States of such number of supersonic planes as may be necessary to provide Israel with an adequate deterrent force capable of preventing future Arab aggression by off-setting sophisticated weapons received by the Arab states and to replace losses suffered by Israel in the 1967 conflict.

On October 7, 1970, the Congress once again made American intentions toward Israel very clear. In section 501 of the Armed Forces Appropriation Authorization Act the Congress set forth these words:

> The Congress views with grave concern the deepening involvement of the Soviet Union in the Middle East and the clear and present danger to world peace resulting from such involvement which cannot be ignored by the United States. In order to restore and maintain the military balance in the Middle East, by furnishing to Israel the means of providing for its own security, the President is authorized to transfer to Israel, by sale, credit sale, or guaranty, such aircraft, and equipment appropriate to use, maintain, and protect such aircraft, as may be necessary to counteract any past, present, or future increased military assistance provided to other countries of the Middle East. Any such sale, credit sale, or guaranty shall be made on terms and conditions not less favorable than those extended to other countries which receive the same or similar types of aircraft and equipment . . .

The authority for sales provided by this section 501 was further extended to December 31, 1973. On February 7, 1972, the Congress clarified and updated its policy with these words:

> It is the sense of Congress that (1) the President should continue to press forward urgently with his efforts to negotiate with the Soviet Union and other powers a limitation on arms shipments to the Middle East, (2) the President should be supported in

his position that arms will be made available and credits provided to Israel and other friendly states, to the extent that the President determines such assistance to be needed in order to meet threats to the security and independence of such states, and (3) if the authorization provided in the Foreign Military Sales Act, as amended, should prove to be insufficient to effectuate this stated policy, the President should promptly submit to the Congress requests for an appropriate supplementary authorization and appropriation.

It should be pointed out that when President Nixon on October 19, 1973, urged the Congress to appropriate $2.2 billion for Israel he was carrying out his legal obligation pursuant to section 3 quoted above wherein it is provided that, should the President find the authorization for the sale of military equipment to Israel to be "insufficient," the "President should promptly submit to the Congress requests for an appropriate supplementary authorization."

It should also be pointed out, however, that the $2.2 billion for Israel proposed by President Nixon is the largest grant ever urged by any President for the military needs of Israel. President Nixon noted that he is "requesting that the Congress approve emergency security assistance to Israel in the amount of $2.2 billion." The President noted that if the conflict moderates or is brought to an end very quickly "funds not absolutely required would of course not be expended."

It is most significant that the total amount of grants—not loans or credits—to Israel during all of the years from 1946 to 1972 came only to a total of $420 million.

II. STATISTICS ON AID TO THE ARAB NATIONS AND TO ISRAEL DURING THE PAST 25 YEARS

Many Americans appear to feel that the U.S. Government has given very vast sums to Israel during the 25 years of its existence. As noted above, however, Israel has received only $420 million compared to at least $2.7 billion granted outright by the United States to the Arab States during the years 1946 to 1972.

During the past several years the Arab States have, of course, also received at least $6 billion in miltary equipment from Russia and other Communist states. This massive acquisition of military hardware by the 10 Arab States began when Czechoslovakia in 1955 first sent arms to Egypt.

Israel, in order to be prepared against a possible onslaught from its fantastically well equipped neighbors, has expended vast sums on its defense. In 1972 41 percent of Israel's total budget went for defense purposes. In that same year, 1972, 26 percent of the total gross national product of Israel was expended for military purposes.

Since Israel receives virtually nothing for its own defense from other governments the Israeli people have taxed themselves to an incredible extent. In 1972 the tax on an annual salary of $5,000 was 50 percent; the tax in that same year on a salary of $10,000 was 63 percent.

The external debt of Israel continues to mount in a very dangerous way. The external debt mounted from $2.1 billion in 1970 to $4.1 billion in 1973. This means that Israel continues to have the highest per capita foreign currency debt in the world. In 1972 the service charge on the external debt of Israel amounted to $687 million.

In 1972 Israel had the burden—although a happy one—of resettling 31,652 Soviet Jews who came to Israel on a permanent basis.

U.S. military aid to Arab nations in the decade between 1961 and 1971 included the sum of $221 million for Jordan, and $172 million to Saudi Arabia.

In early June 1973 I protested the then recently announced plans of the United States to sell between 24 and 30 sophisticated F–4 Phantom fighter-bombers to Saudi Arabia. In June the State Department indicated that it would require Saudi Arabia to make a pledge that if it received these planes it would not use them against Israel.

Under congressional questioning, however, Under Secretary of State Joseph Sisco conceded that there was no way that the United States could guarantee that these aircraft would not be used against Israel.

In addition to the extensive military aid which Arab nations receive from the United States during the past several years, these Arab countries received in the years 1961 to 1971 at least $3.8 billion worth of military equipment from the USSR.

Shocking as it may appear, in the year 1972 the United States sold to Saudi Arabia $306 million worth of arms.

In the light of the foregoing facts it is clear that the aid given to several Arab States has far exceeded that given to Israel. In fact Israel has received only one-seventh of all of the vast amount of American money extended to the enemies of Israel. Consequently the $2.2 billion proposed by the Nixon administration for Israel would be merely an extension of the policy of "even-handedness" which the Nixon administration has mentioned on many occasions as one of the principles embraced by the Nixon administration in its dealings with the Middle East.

III. THE PROBLEMS AND DIFFICULTIES AHEAD FOR ISRAEL

Those who are opposed to any assistance for Israel regularly bring up the question of the Palestinian refugees. Although no one pretends that enough has been done to resettle these individuals, it is overwhelmingly significant that the United States in the past 22 years has given $525,224,592 for the relief of these unfortunate persons. This sum constitutes 65.7% of the UNRWA income. All of the Arab States have given some $23 million, or about 3 percent of the total income over the past 22 years of the 2 million Palestinian refugees.

Little Israel has given almost $4 million to the Palestinian refugees while Russia has contributed not a single ruble.

Just as Russia orchestrated the past agonizing war in the Middle East, so also has Russia victimized the Palestinian refugees and permitted Arab rulers to exploit the unfortunate situation of these individuals.

On October 21, 1973, as some of the most savage fighting in the Sinai and in Syria was going on, a constituent phoned me and identified himself as a person of Arab ancestry. He revealed to me that his grandmother lived in Damascus and demanded to know how I could justify Israeli hostilities against that city. I did everything within my power to make clear to this man that I deplored the hostilities and felt just as much anguish of soul for every Arab casualty as for every Israeli casualty. I indicated to this caller that I had personally viewed in June 1972 the incredibly squalid living conditions of Palestinian Arabs in and around Bethlehem. I pointed out, however, that these people of Arab origin were being exploited by the rulers of the countries where they resided and that these rulers in turn were being exploited by the Soviet Union. I indicated that I was not in agreement with Dr. Henry Kissinger's statement with regard to the Soviet Union's action in the 1973 war. In the early days of that war Secretary Kissinger commented:

If you compare their (the Russians') conduct in this crisis to their conduct in 1967, one has to say that Soviet Union behavior has been less provocative, less incendiary, and less geared to military threats than in the previous crisis.

I would rather be included to agree with Mr. Seymour Graubard, the national chairman of the Anti-Defamation League of B'nai Brith, who charged that the Soviet Union was coordinating the entire war with an aim to control Middle East oil supplies in order to gain "an energy stranglehold more effective than armies of occupation."

I am not certain that I was entirely persuasive to my constituent who called, but the fact of his grandmother's residence in Damascus made a profound impression upon me and deepened enormously my conviction and my hope that the war of October 1973 in the Middle East simply must become the war that will end all wars in that vast region of the Earth.

As the debate emerges in the Nation with respect to the granting of the $2.2 billion to Israel, many American citizens, sincerely troubled about the possibility of another Vietnam-type war in the Middle East, will object that the United States should remain neutral with respect to the disputes among nations in the Middle East. From the foregoing very clear declarations of congressional intent toward Israel it should be very clear that successive administrations are not operating on some vague Tonkin Gulf resolution, but rather on a carefully articulated bipartisan policy enunciated by the Congress over a long period of time.

Senator Eugene McCarthy, the original founder of the protest against the war in Vietnam, wrote very persuasively a few days ago about the total difference between the quagmire in Southeast Asia

and the battle for the preservation of the territorial integrity of Israel. Senator McCarthy wrote as follows:

The historical record amply demonstrates that any sign of America's equivocation in the Middle East is an inducement to Arab adventurism.

These inducements have come from an odd coalition in our country. Equating their own special interests with the national interest, some oil companies have sought to blame Israel for an energy shortage having nothing to do with the existence of Israel and very little to do with our support for it. At the same time, some in the liberal community have foolishly adopted the facile anti-Israel rhetoric of Third World politics. From whatever source, calls for American neutrality in the Middle East offend every sense of justice and international morality.

It is very unfortunate in my judgment that President Nixon has combined his request for $2.2 billion to Israel with a request for $200 million for military assistance to Cambodia. Many people, including myself, will reject the request of the President for $200 million for additional ammunition for the Cambodian armed forces. The President notes that since the end of the U.S. bombing on August 15, there has been an increase of Communist activity in Cambodia. The President feels that the Cambodian forces which, in his view, have successfully defended the capital of Phnom Penh as well as the principal supply routes, should be given military equipment so that they will be able to defend themselves against the fighting which will in all probability be resumed after the current rainy season.

It is unfortunate that the President has linked the request of aid for Israel and Cambodia because, as appropriately the President himself has pointed out, the recommendation of assistance for Israel is entirely new, since Israel has obtained all of its military equipment up to this time "through the use of cash and credit purchases."

It is to be hoped that the Christian churches in America and elsewhere will finally be able to understand the problems that Israel has confronted in the wars of 1949, 1956, 1967 and 1973. Unfortunately the National Council of Churches, a body which represents most Protestant denominations, in its statement on October 15, 1973, did not see the realities of the Middle East situation. The National Council of Churches statement called for an embargo on military assistance to Israel and in fact did not even point out that Syria and Egypt were the aggressors on October 6, 1973.

Despite this unfortunate statement I see everywhere Christian and religious spokesmen who understand as never before the situation in which Israel finds itself.

During the recent past I recommended that the Vatican give diplomatic recognition to Israel. As is well known the Holy See has formal diplomatic relations with more than 70 nations of the earth. The absence of diplomatic relations, as is the case of the United States, cannot be said to bring any harm to a nation but it was my judgment that "all Christians owe reparations to the Jewish people because of all of the afflictions they have suffered at the hands of Christians." I recommended that the Holy See take the occasion of the 25th anniversary of the establishment of Israel as the occasion for the establishment of diplomatic relations between the Vatican and Israel.

In the days and weeks ahead I think that it is very important that the diplomatic efforts of the U.S.S.R. and the United States to bring about peace in the Middle East should not go beyond inducing the parties into direct and open negotiations. It seems to me that no peace terms, either provisionally or permanently, should be imposed by outside third parties. Similarly any attempt to enforce a cease fire should not result in granting a reward to Egypt or Syria because they initiated the attack on Yom Kippur.

Every effort must be made to reassert and re-emphasize the fact that Israel has never asked for American troops to fight in the Middle East and that she never will require or ask that American military personnel come to assist Israel. To raise such a possibility simply flies in the fact of every reality and every fact of history in the 25 year history of Israel.

Mrs. Golda Meir, the Prime Minister of Israel stated the essence of the conflict in the Middle East in these beautiful words on October 13, 1973:

We did not ask for the war of 1967. It was forced on us . . . no sooner was the war over then the Israeli government asked the heads of the Arab states: Now let us sit down, as equals and negotiate a peace treaty. And the answer came back from Khartoum,—no recognition, no negotiation, no peace.

Mrs. Meir summed up the struggle simply but eloquently in these words:

We are a small people, surrounded by enemies, but we have decided to live.

I am happy to say that 224 Members of the United States House of Representatives have sponsored a resolution supporting the administration's decision to supply Israel with aircraft and arms. As one of the cosponsors of this resolution I am happy to have this clear and cogent reaffirmation of the traditional strong support guaranteed by the Congress through so many years for the support of Israel. The resolution condemns Egypt and Syria as aggressors in the war and accuses the Soviet Union of supplying the Arab States by a "massive airlift of sophisticated military equipment."

I close these comments on Israel by quoting in full House Resolution 616 of the 93d Congress:

Whereas the people of the United States deplore the outbreak of hostilities in the Middle East and earnestly hope that peace may be negotiated in that area; and

Whereas the President is supporting a strong and secure Israel as essential to the interests of the United States; and

Whereas the armed forces of Egypt and Syria launched an attack against Israel shattering the 1967 cease-fire; and

Whereas Israel refrained from acting preemptively in its own defense; and

Whereas the Soviet Union, having heavily armed the Arab countries with the equipment needed to start this war; is continuing a massive airlift of sophisticated military equipment to Egypt and Syria; and

Whereas Public Law 91-441 authorizes the President to transfer to Israel by credit sale such arms as may be needed to enable Israel to defend itself: Now, therefore, be it

Resolved, That it is the sense of the House that the President, acting in accordance with the announced policy of the United States Government to maintain Israel's deterrent strength, and under existing authority should continue to transfer to Israel the Phantom aircraft and other equipment in the quantities needed by Israel to repel the attack and to offset the military equipment and supplies furnished to the Arab States by the Soviet Union.

SOUTH AFRICAN POPULATION REMOVAL SCHEME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 5 minutes.

Mr. DIGGS. Mr. Speaker, I would like to bring to the attention of my colleagues the situation in South Africa in which thousands of people are being disqualified, uprooted, and resettled in areas designated purely on the basis of race. This resettlement process is in accordance with the Group Areas Act and is implemented by the Minister of Planning whose decision cannot be appealed. The policy includes initiating "growth points" for racial groups provided with insufficient funds, and the eradication of "black spots" in white areas by removing Africans to barren "homelands." I must point out that these policies are in flagrant violation of articles 55 and 56 of the United Nations charter in which all state members of the United Nations pledge to "take joint and separate action in cooperation with" the United Nations to promote "universal respect for and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." I wish to submit a 1973 report on "Population Removal Schemes" by the South African Institute of Race Relations for the benefit of my colleagues.

POPULATION REMOVAL SCHEMES

(By Frank Joffe)

INTRODUCTORY NOTE

The removal of large numbers of people from their homes, and their resettlement in new townships or in rural areas, some of which are many hundreds of kilometers distant, has been a constant feature in the implementation of Government policy.

It has never been clear precisely how many individuals have been involved in removal schemes of various sorts, nor is it clear how many may yet be affected. However, the numbers are large, and the final figures will number millions rather than thousands.

The following collation of official material is nowhere near complete, as will be indicated in various places. However, it does serve to clarify the situation as it now stands, as well as giving a basis from which estimates may be extracted in order to arrive at some indication of the numbers affected by removal policies. In most cases, the reason for the lack of inclusion of relevant information is simply that the particular information is not available. In some instances the Minister concerned has refused to provide information in reply to Parliamentary questions. The figures that are used, however, are all taken either from the official reports of relevant Government departments, or from answers to questions put in the House of Assembly.

The different racial groups are affected largely by distinct policy implementations, under the provisions of different Acts of Parliament. In many cases, however, sections of more than one group are affected in by a single scheme. This is especially true of proclamations under the Group Areas Act.

GROUP AREAS

Broad policy

Over and above the implementation of the Group Areas Act in the segregation of the different race groups in specific towns, certain policy considerations have governed the proclamation of group areas in entire districts. Government policy has been stated at various times since 1966, in the Reports of the Department of Planning as well as by relevant Ministers.

In the Cape Province two boundaries have been designated, resulting in the division of the southern part of the territory into three areas: the area east of the line from Aliwal North to Fort Beaufort and thence along the Kat and Fish Rivers to the sea; the area west of the line joining Colesberg and Humansdorp; and the section between these two areas. These areas are referred to as the Eastern Cape, the Western Cape, and the Cape Midlands. The Cape Province north of the Orange River is referred to as the Northern Cape.

In the application of the Group Areas Act, it has been the official policy to restrict, as far as possible, the proclamation of Coloured and Indian group areas in the Eastern Cape in an attempt to ensure the settlement of these groups in the Western Cape. The labour policy has also been based on the principle of employment preference for the Coloured group in the Western Cape and Cape Midlands, and the African group in the Eastern Cape.

In Natal, a similar division has been drawn between those areas north of the Tugela River (Zululand), and the remainder of the Province. Group area proclamations have been geared to the gradual removal of the entire Coloured and Indian populations living north of the Tugela (except for the descendants of John Dunn).

There are no Indian group areas in the Orange Free State, and in this province Coloured areas have been confined to predetermined "growth points".

In the Transvaal it is convenient to distinguish between the Witwatersrand, the Vaal Triangle, Pretoria and Johannesburg (the PWV region), and the remaining areas. The arbitrary division into East and West Transvaal, using Pretoria as a reference point, is made for ease of identification.

The concept of "growth points" has also been applied to group area proclamation policy in the Transvaal. Rather than entrench the defacto Coloured and Indian inhabitants in the smaller towns, a policy of proclaiming group areas for these groups at specific local centres is apparently being applied. The entire populations of the outlying areas will eventually be required to vacate their homes, and move to the nearest "growth point". As yet, however, some ambiguity exists, since group areas have already been proclaimed in the Transvaal in some towns *not* designated as growth points. The promise has also been made repeatedly that these group areas will not be arbitrarily deproclaimed, but that they will not be developed beyond their present needs. However, the situation of the relevant groups in these towns is anything but secure.

In all, 1,325 group areas of different types had been proclaimed up to 30 June 1971. It has been officially estimated that while 1,648 White families had been moved or would be moved in terms of group area proclamations, no fewer than 111,991 Coloured, Indian and Chinese families were affected. Thus it is immediately obvious that the implementation of this policy has resulted in the minimum of upheaval for the White population group at the expense of the other groups, of which something in the region of 500,000 people have had to vacate their homes.

NUMBERS AFFECTED BY GROUP AREA PROCLAMATIONS

From the inception of the Group Areas Act to 31 December 1972, 1,513 White families, 44,885 Coloured families, 27,694 Indian families and 71 Chinese families had been moved as a result of the application of the Act.

Official estimates of the numbers still to be moved in terms of group area proclamations as at the same date were 135 White families, 27,538 Coloured families, 10,641 Indian families, and 1,162 Chinese families. The figures for each province are given below:

	White	Colored	Indian	Chinese
Number of families moved to Dec. 31, 1972:				
Transvaal	414	7,579	7,375	.....
Natal	780	1,519	19,154	.....
Orange Free State	.....	1,017	.....	.....
Cape	319	34,770	1,165	71
Number of families moved during 1972:				
Transvaal	2	423	795	.....
Natal	68	61	389	.....
Orange Free State	.....	118	.....	.....
Cape	10	3,495	216	3
Number of families still to be moved at Dec. 31, 1972:				
Transvaal	29	2,099	2,399	725
Natal	80	2,730	6,977	25
Orange Free State	.....	1,753	7	1
Cape	26	20,956	1,258	411

GROWTH POINTS

Growth points in decentralised areas have been established, and at certain of these, the employment of Indian and Coloured labour is being encouraged. It is to be expected, then, that the development of these areas will take precedence and that group areas proclaimed in these centres will be developed further. It has been stated that the development of group areas in other centres will be discouraged.

In the 1971 White Paper on the Report of the Inter-Departmental committee on the Decentralisation of Industries, the following growth points for Indians and Coloured were mentioned:

Coloured

Bloemfontein, Meilbron, Kimberley, De Aar. Beaufort West, Upington, Mossel Bay/George/Knysna, Oudtshoorn.

Indian

Stanger, Verulam, Tongaat.

The Department of Planning had mentioned prior to this, that rather than declare group areas in each outlying town, Coloured and Indian groups would be encouraged to settle in "self-supporting" communities in specific focal areas. Even some group areas already declared were to be limited only to those already resident there, and development was to be discouraged.

It would appear to be the intention of the Government to establish a Coloured growth point for the Western Cape region, to the North of Cape Town, at Faure, and to the South-East at the Firgrove—Macassar complex.

The situation at this stage remains very unclear. In order to decentralise industry, development is encouraged in certain areas, and the labour supply in these areas must be assured. However no final statement has been made by either the "Growth Points Committee" or the Commission of Enquiry into the Decentralisation of Industry. Further complications arise out of the stated plan to develop rural Coloured communities. Whatever the final decision on these policies may be, it is certain that over and above the hundreds of thousands of people who have had to move from their homes as a result of the implementation of the Group Areas Act, many more will yet have to move if any of the decentralisation and growth point plans are to be carried out, and if schemes for the regional grouping of Coloured and Asian people are to be promoted.

REMOVAL OF AFRICANS

While the application of the Group Areas Act has been responsible for the removal of mainly Indian and Coloured families from their original homes, the African people have been affected more seriously by the implementation of the policy of consolidating the homelands.

Black spot removals

In the report of the Tomlinson Commission it was estimated that 188,660 morgen of land should be purchased in order to accommodate Africans from "Black Spots". These were farms owned by Africans but situated in predominantly White rural areas.

Official estimates made in 1961, of the area of these "Black Spots" before removal schemes began were:

Natal 48,390 morgen comprising 210 separate areas.

Transvaal 55,000 morgen comprising 55 separate areas.

Cape 62,022 morgen comprising 63 separate areas.

Orange Free State 7,787 morgen comprising 4 separate areas.

Total 173,199 morgen comprising 332 separate areas.

When the rounding-off of badly situated African areas was taken into account as well, the total area to be cleared was estimated at 728,537 morgen, including 469 "Black Spots".

By July 1961, 16 "Black Spots" measuring 15,255 morgen had been cleared in the Transvaal, and another 16 measuring 4,398 morgen had been cleared in the Cape Province.

Since the inception of the policy of "Black Spot" removals however, plans for the consolidation of the homelands have been altered, and are still in a state of flux. Thus it is not known how many people may eventually be required to move.

In addition to the clearing of "Black Spot" enclaves in White areas, certain removals have been made in the process of homeland consolidation, mainly in order to round off the boundaries.

The tables below give the official figures for the clearing of "Black Spots" and boundary consolidation:

Up to	1963	1964	1965	1966	1967	1968	1969	1970
Land area cleared: [1]								
Natal	2,367	1,118	465	97	4,432	1,990	1,046	2,837
Transvaal	39,746	1,280	761	7,580	7,113	489	3,801	1,558
Cape	49,813	622	31,023	16,222	1,560	3,373	2,014	3,005
Orange Free State	Nil	704	Nil	176	Nil	Nil	Nil	3,384
Total	91,926	3,725	32,249	24,076	13,105	5,852	6,861	10,784

Up to	1963	1964	1965	1966	1967	1968	1969	1970
Number of Africans removed: [2]								
Zulu	24,579	1,100	358	52	600	1,325	1,623	452
Tswana	11,677	3,455	4,060	725	600	225	1,565	150
Lebowa	.....	.....	.....	.....	.....	.....	.....	8
Ciskei	.....	.....	.....	.....	.....	.....	.....	160
N. Sotho	14,170	.....	.....	95	400	310	6,602	.....
Xhosa	697	22	310	16	150	230	304	.....
Total	51,123	4,577	4,728	888	1,750	2,090	10,094	770

[1] Areas for the years up to and including 1968 are given in morgen, while those for 1969 and 1970 are in hectares.

[2] Figures up to and including 1965 represent the number of individuals involved, while figures for the remaining years are for the number of families removed.

In a reply to a question in the House of Parliament, the Minister gave the estimated total number of persons removed from "Black Spots", small scheduled areas and outlying parts of other scheduled areas since 1948, as 175,788.

By the end of 1971, it was indicated that 63,255 ha. of "Black Spot" land remained to be cleared, while 196,530 ha. of poorly situated scheduled land would have to be vacated. Since then, however, the position has changed with the publication of official plans for the partial consolidation of the various homelands.

The Minister of Bantu Administration stated in February 1972 that an estimated 300,000 Africans in Natal still had to be resettled. However, the Natal Agricultural Union estimate, based on the subsequently proposed partial consolidation, was that 343,000 Africans, 8,400 Indians, 2,500 Coloured persons and 6,157 Whites would be involved in resettlement. Figures for the other homelands are not available.

REMOVAL OF SQUATTERS

The official figure given, at the end of 1962, for the number of persons resident as squatters in White rural areas was 109,882, of whom 40,763 had been resettled. In addition 3,433 labour tenants were described as "redundant", and 1,620 of these had been resettled in homeland areas.

The following are the figures of the Department of Bantu Administration, showing the resettlement of people in terms of the Native Trust and Land Act of 1936:

1962	42,383
1963	15,897
1964	6,859
1965	1,358
1966	16,236
1967	3,345
1968	23,730
1969	44,089
1970	21,177

Thus, more than 175,000 people have been removed from White rural areas as being resident illegally, or redundant in terms of labour requirements. Others are likely to be required to move.

In recent years, an attempt has been made to phase out the labour tenant system, and thus labour tenants have become increasingly subject to removals. It was estimated in 1971, that possibly 400,000 Africans were affected by this "phasing out" of labour tenants on farms of Whites in Natal alone.

In answer to a question in the Assembly, the Minister of Bantu Administration said that at the end of 1970 there were 2,996 registered labour tenants in the Transvaal, and 24,589 in Natal. (These figures exclude their dependents.) There were none in the other provinces.

REMOVALS FROM URBAN AREAS

In February 1971, the Minister of Bantu Administration gave the following figures for the number of Africans removed from urban areas in 1970:

	Men	Women	Total
Witwatersrand	23,267	1,528	24,795
Cape Peninsula	191	35	226
Pretoria	3,551	498	4,049
Durban	2,695	2,071	4,766
Port Elizabeth	13	2	15
Total	29,717	4,134	33,851

In 1969 the numbers were marginally lower, except in the case of Pretoria. The totals then were:

Men	30,238
Women	3,019
Total	33,257

It is not possible to estimate how many Africans have actually been required to vacate the urban areas as a result of the implementation of "pass law" legislation. The above figures indicate only the numbers physically removed during the particular year.

THE GAS BUBBLE—X

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, San Antonio, Austin, and other Texas cities that rely on Coastal States Gas Co. for their fuel supply have been undergoing curtailment for months, because Coastal sold more gas than it could deliver.

Up until this time, the situation has been held in reasonably good check. Nobody has suffered any great catastrophe, although industrial plants have been closed, and although electricity use has been cut back. Austin can live without streetlights for awhile, and so can San Antonio, but there is definitely a limit on how much gas supplies can be curtailed before very serious damage is done. We have been hurt, but not mortally.

This relatively happy state of affairs might not last much longer, thanks to a little-known aspect of Coastal's business practices.

Coastal made several deals, not long ago, wherein they sold actual gas reserves. These reserves were supposed to have been developed for customers like Austin and San Antonio, which had contracts calling on Coastal to deliver certain amounts of gas. In other words, Coastal promised San Antonio and other customers to develop reserves sufficient to deliver a certain amount of gas. Then it took those same reserves and sold them. San Antonio gets a lot of nothing, for which it has paid about $200 million, Coastal gets millions in illicit profits, and the new customers get the gas that San Antonio paid to have developed.

These new contracts are known as diversion contracts. They call on Coastal to divert from its customers the gas that comes from the reserves that the new customers bought from Coastal. In all, these contracts will take away from the Coastal system serving Texas about 25 percent of its total supply. This is supposed to happen on November 1.

Today, Coastal should be delivering about 1.8 billion cubic feet of gas per day in Texas. It actually is capable of delivering only about 1.4 billion cubic feet a day. After the diversion contracts go into effect, that will drop to less than a billion cubic feet a day. That is less than the amount that is estimated to be required for human use needs in the system served by Coastal's Texas subsidiary. If the diversion contracts go into effect, and those Texas customers have no alternate fuel available for electrical generation and industrial needs, Coastal's Texas customers will be in the dark and without jobs. Those whose homes depend on electricity for heat and cooking would be without heat or power. If Coastal had devised some means of destroying the Texas communities they serve, the company could not have come up with a better idea than the diversion contracts.

But there is no need for this threat to exist. I believe that the diversion contracts are illegal.

San Antonio and other customers have asked the Texas Railroad Commission to set aside the diversion contracts, and I hope that it will do so. But there is no assurance that this will be done before the fateful day of November 1.

I have accordingly recommended that the Texas attorney general seek an injunction to prohibit the diversion contracts from being enforced until Coastal's victims are able to determine their rights and exercise their appeals to the administrative agencies and the courts. If the contracts go into effect, Coastal's Texas customers will be irreparably damaged—and some would face absolute disaster.

Whatever the outcome of this, I think that everyone should know what Coastal has done here. It has told one customer that it will furnish gas, if that customer will pay to develop the necessary reserves. Then, with the reserves in hand—paid for by the customer, it went to someone else and sold the reserves to them—leaving the first customer with empty pockets and empty pipelines.

The diversion contracts are sheer thievery. Coastal, and Oscar Wyatt, who dreamed up the whole scheme, should never be allowed to get away with this. If the diversion contracts are allowed to go into force, there is not a community in America that can feel it has a valid contract with its gas supplier. America can afford only one Oscar Wyatt—if even that. His breed has no place in business, or anywhere else.

I hope that Coastal's customers can obtain justice, and that means retaining the gas they have bought and paid for. It also means that some way, some day, Coastal will have to pay for every dime of the hundreds of millions of dollars' worth of damage this pack of thieves has inflicted on millions of innocent people.

CPA AT DSA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, I wish to continue with my attempt to prevent any confusion similar to that experienced by us last Congress. We soon shall consider on the floor again proposals for a Consumer Protection Agency to advocate the interests of consumers in Federal decisionmaking.

As you know, I have been introducing into the RECORD letters I have received from Federal agencies which are subject to a CPA's advocacy rights as proposed in the bills now before a Government operations subcommittee on which I serve. These agencies were asked to list their 1972 proceedings and activities that would be subject to CPA action and to delineate them by the various categories set forth in the bills.

I have already inserted material from five small agencies—the Cost of Living Council, and four of the banking regulatory agencies. Today, I would like to call your attention to the proceedings and activities of another small agency, the Defense Supply Agency, which would be

subject to the CPA's powers under the bills.

The bills are H.R. 14 by Congressman ROSENTHAL, H.R. 21 by Congressmen HOLIFIELD, HORTON, and others, and H.R. 564 by Congressman BROWN of Ohio and myself.

The major difference between the bills is that H.R. 14 and H.R. 21 would allow the CPA to appeal to the courts the final decisions of other agencies. The Fuqua-Brown bill would not grant such an unprecedented power to a nonregulatory agency. In addition, with regard to the DSA, only the Fuqua-Brown bill would exempt from CPA's jurisdiction the national security functions of any agency. Therefore, at least as far as procurement of goods and services for military purposes, the DSA would not be covered by H.R. 564.

On the critical question of giving the CPA court appeal power, the Rosenthal and Holifield-Horton bills would grant such a far-reaching right to the CPA wherever anyone else had such a right. Under both of these bills, it would be up to the CPA's sole discretion to determine if there were sufficient consumer interest to intervene fully in an agency proceeding, and, having so intervened, it would have an unchallengeable right to appeal the decision arising out of such proceeding. Under both bills, as well, the CPA could appeal decisions arising out of proceedings in which the CPA never appeared, although the court may deny such an appeal if it makes certain unlikely findings. As mentioned, the Fuqua-Brown bill would not allow the CPA to appeal to the courts any final decision of its brother agencies.

With this in mind, it is worthy to note that there were at least 863,000 actual appealable decisions made by the DSA in 1972. I say "actual decisions" because, under the two bills which would allow appeal, a refusal to act—inaction—is also appealable by the CPA.

Counting the estimated 40,000 to 60,000 actual appealable decisions listed by the Cost of Living Council and the several thousand noted by the banking agencies, the DSA information puts the tally of potentially appealable decisions annually by the CPA at almost the million mark—for five small agencies, alone.

This, of course, is not to say that the CPA would find sufficient consumer interest in all or most of these decisions to want to participate in them or appeal them. The technical legal power to do so is all that we can judge now, a power not found in the Fuqua-Brown bill.

Mr. Speaker, for the important reasons already stated, I insert in the RECORD information from the Defense Supply Agency which shows that Agency's 1972 proceedings and activities which would be subject to the CPA's advocacy powers as proposed in the various bills now in subcommittee.

DEFENSE SUPPLY AGENCY,
Alexandria, Va., September 26, 1973.

Hon. DON FUQUA,
House of Representatives,
Washington, D.C.

DEAR MR. FUQUA: This is in reply to your letter of 7 September 1973 asking about the activities of this Agency as they relate to H.R. 1421, and 564, 93d Congress, bills to create an independent Consumer Protection Agency.

Before considering your specific questions, I believe it would be helpful to provide a brief statement of the general functions and responsibilities of the Defense Supply Agency (DSA). This Agency is responsible for the procurement, storage and distribution of assigned items for use by the military services. DSA also administers most contracts awarded by the military services and conducts the DoD Contract Compliance Program (Executive Order 11246, as amended) and Industrial Security Program. Other major functions are: Property disposal (including the sale of Department of Defense surplus personal property); cataloging; management of idle industrial plant equipment; and administration of the Defense Documentation Center.

Post exchanges and commissary stores are resale activities operated by the military services rather than by DSA. We do, of course, purchase many of the subsistence items that are sold through the commissary stores. However, the determination of the items that will be sold in the commissaries and the preparation of specifications that are used are the responsibility of the military services. Also, the inspection of such items is performed by Department of Agriculture and military service veterinary personnel. With respect to items sold by post exchanges, DSA furnishes a portion of their milk requirements, as well as some standard military uniform items procured by this Agency. Clothing items are normally sold through clothing stores operated by the military services.

None of the activities conducted by this Agency are subject to the procedures of 5 U.S.C. 553, 554, 556, and 557. There are, however, some activities conducted by this Agency which involve hearings and decisions based on the record. These are:

a. Appeals to the Armed Services Board of Contract Appeals (ASBCA) involving disputes arising under contracts awarded or administered by this Agency (Armed Services Procurement Regulation Appendix A);

b. Proposals to impose sanctions on a contractor for failure to comply with the Equal Opportunity requirements of Executive Order 11246, as amended; and

c. Proposals to debar a contractor because of criminal conduct or other action which reflects adversely on the contractor's integrity as it relates to the performance of Defense contracts (ASPR 1-604).

In addition to the proceedings listed above, the following Agency activities, although not involving hearings, may be of interest to you:

a. Pre-award surveys designed to determine whether a proposed contractor has the necessary facilities and technical and financial ability to perform a Defense contract satisfactorily (ASPR Appendix K).

b. Inspection of products for the purpose of assuring that items delivered meet contract specifications. As mentioned above, this does not include the inspection of some subsistence items for troop issue or commissary resale.

c. Suspension of contractors suspected of criminal conduct in the performance of Defense contracts (ASPR 1-605). This is a temporary measure designed to protect the interests of the Government pending further investigation of a contractor's activities.

d. Protests by bidders or contractors to the Comptroller General (GAO). With the above comments in mind, the answers to your specific questions are set forth below:

Since none of the DSA activities are subject to the rulemaking, adjudication, and hearing provisions of the Administrative Procedures Act, Questions 1, 2, 3, and 4 are answered, "None".

Question 5 relates to proceedings on the record after an opportunity for hearing. As indicated above, for the Agency this includes appeals to the Armed Services Board of Contract Appeals, proposals to impose sanctions against a Defense contractor for violation of the Equal Opportunity clause, and debarments. For DSA in Calendar Year 1972 there were 184 appeals filed with the ASBCA and two debarments were initiated by the Agency.

With respect to Question 6, see general discussion above.

In view of the nature of the functions and responsibilities assigned to this Agency, it is not feasible to list all the final actions which could have been appealed to the Courts during 1972. The following information, however, may be helpful to you in connection with Question 7. During Calendar Year 1972 this Agency awarded approximately 774,000 procurement contracts and 89,000 sales contracts. Any bidder whose bid was not accepted, as well as any contractor who was dissatisfied with a decision of the ASBCA, could have brought a court action to test the validity of the action taken concerning him. As a matter of information, only nine court actions involving the award or administration of DSA contracts were filed in calendar year 1972.

Sincerely,

D. H. RICHARDS,
Major General, U.S.A.,
Deputy Director.

GO AHEAD WITH IMPEACHMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, President Nixon's last-minute agreement to turn over to Judge Sirica the nine tapes and supporting documents requested by Special Prosecutor Archibald Cox is a victory of the American people, but the issues requiring consideration of impeachment by the House Judiciary Committee remain as urgent as ever.

In the last few days, Americans all over the country, of all political beliefs, from plain citizens and members of the AFL–CIO, to law professors and the president of the American Bar Association, spoke out passionately in defense of the Constitution and the rule of law, which the President was challenging.

The President's attempt at total defiance of the courts has been turned aside. Under the storm of protests and rising demands for his impeachment, Mr. Nixon has been forced to back down. My office alone received hundreds of phone calls and telegrams calling for impeachment.

Sweet as this victory is, we must not overlook what Mr. Nixon has gotten away with. Special Prosecutor Archibald Cox remains ousted, and his office abolished. The Justice Department remains beheaded, its integrity shattered. The special files gathered by the Cox investigators remain in custody of the President's puppets.

The Congress must demand the immediate reinstatement of Mr. Cox and the reestablishment of the special prosecutor office, which was created as a solemn commitment to the U.S. Senate. If the President fails to do this, Judge Sirica has the authority to name Mr. Cox as counsel to the grand jury and to subpena all the files, and I urge him to do so.

In addition to introducing a bill of impeachment earlier today charging the President with seven separate violations of the Constitution over a period of time, I am also cosponsoring a bill to establish

a special prosecutor that will be truly independent of manipulation by the President.

I am gratified that leaders of the House Judiciary Committee have indicated they will continue with their plans to inquire into the impeachment issue. The American people cannot feel confidence in government so long as a President who has exhibited such contempt for the Constitution and the judicial process throughout his tenure remains in office.

The articles of impeachment I introduced earlier today against President Nixon accuse him of separate violations of this Constitution and the law over a long period of time.

The articles cover charges of unlawful conduct in connection with the President's defiance of the court order on the tapes, his dismissal of Special Prosecutor Cox and seizure of his files, his establishment of a personal secret police within the White House that engaged in burglaries, wiretaps, espionage and perjury, his obstruction of justice in the Ellsberg-Russo case, violations of campaign fund laws, his impounding of funds appropriated by Congress, and his authorization of the secret bombing of Cambodia.

In addition, there remain unanswered questions about Mr. Nixon's involvement in the Watergate coverup, in the ITT scandal, the milk deal, the mysterious Howard Hughes contribution of $100,000 to Mr. Nixon's closest friend, Bebe Rebozo, as well as mounting evidence of Presidential wrongdoing in connection with payment of taxes and misuse of taxpayers' money to improve his personal property at Key Biscayne and San Clemente. All these are issues into which a House Judiciary inquiry must look very closely.

It is tragic that President Nixon should have precipitated this national crisis over the tapes in the midst of an international crisis. While the people of Israel were fighting for the survival of their nation, their strongest supporters, the American people, were forced to turn their attention to the survival of their democratic institutions of law.

I welcome this administration's support for Israel and its efforts to achieve a peaceful settlement of the Middle East war. It is evident, however, that the President was attempting to use our justified concern over the outcome of this war to mute criticism of his shocking defiance of the court and his firing of the special prosecutor. This is a familiar tactic of the President, who habitually invokes "national security" as a blanket rationalization for his unlawful acts and violations of civil liberties.

Just how far along the President thought he was in his bid for one-man rule was evident in a report by New York Times columnist Anthony Lewis about the statement made by the President's chief adviser on civilian affairs, General Haig. This military man called Assistant Attorney General William Ruckelshaus and asked him to do what the Attorney General had refused to do, to fire Mr. Cox. When Mr. Ruckelshaus also refused, according to Mr. Lewis, General Haig said, "This is an order from your Commander in Chief." No wonder that news commentators said that Washington, D.C., this past weekend smelled of an attempted coup d'etat.

Only the vigilance of the Congress, the courts and the American people can keep our democratic rights safe. They are certainly not safe in the hands of President Nixon.

Text of resolution follows:

HOUSE RESOLUTION —

Resolved by the House of Representatives, that

Whereas, there is substantial evidence of President Richard M. Nixon's violation of his oath of office, the Constitution and laws of the United States and his lawful usurpation of power,

Resolved, that President Richard M. Nixon be impeached for high crimes and misdemeanors under Article 2, Section 4 of the Constitution of the United States,

Resolved, that the articles agreed to by this House, as contained in this resolution, be exhibited in the name of the House and of all the people of the United States, against Richard M. Nixon, President of the United States, in maintenance of the impeachment against him of high crime and misdemeanors in office, and be carried to the Senate by the managers appointed to conduct the said impeachment on the part of this House.

Articles exhibited by the House of Representatives of the United States, in the name of themselves and all the people of the United States, against Richard M. Nixon, President of the United States, charging him with high crimes and misdemeanors in office.

ARTICLE I

That said Richard M. Nixon, President of the United States, unmindful of his oath of office and contrary of the Constitution and laws of the United States, has defied an order of the United States Court of Appeals for the District of Columbia Circuit to produce for inspection of the court certain tapes, documents and other materials requested by Special Prosecutor Archibald Cox.

ARTICLE II

That said Richard M. Nixon, President of the United States, unmindful of his oath of office and contrary of the Constitution and laws of the United States, has dismissed Special Prosecutor Cox, abolished his office and seized control of files and evidence that are material to investigations by federal grand juries, in violation of his commitment to the United States Senate, upon which confirmation of Elliot Richardson as United States Attorney General was based, that the Special Prosecutor would have full and independent authority to carry out investigations and to utilize the judicial process.

ARTICLE III

That said Richard M. Nixon, President of the United States, unmindful of his oath of office and contrary to the Constitution and laws of the United States, has invaded the First Amendment rights of citizens of the United States by establishing within the White House a personal secret police, operating outside the restraints of the law, which engaged in criminal acts including burglaries, wiretaps, espionage and perjury.

ARTICLE IV

That said Richard M. Nixon, President of the United States, unmindful of his oath of office and contrary of the Constitution and laws of the United States, has participated together with a principal aide in the obstruction of justice by offering a high federal post to the presiding judge during the Ellsberg-Russo trial and, for a prolonged period, withholding from the federal court knowledge of the burglary of the office of one of the defendant's psychiatrist.

ARTICLE V

That said Richard M. Nixon, President of the United States, unmindful of his oath of office and contrary of the Constitution and laws of the United States, was either fully aware of or criminally negligent about violations of federal law in the collection and illegal use of campaign funds to ensure his reelection in November, 1972.

ARTICLE VI

That said Richard M. Nixon, President of the United States, unmindful of his oath of office and contrary of the Constitution and laws of the United States, did impound and refuse to spend more than $40 billion in funds for domestic programs affecting the health, safety and welfare of the American people, which were appropriated by the Congress in legislation signed into law by said President.

ARTICLE VII

That said Richard M. Nixon, President of the United States, unmindful of his oath of office and contrary of the Constitution and laws of the United States, has usurped the war-making and appropriation powers of the Congress as set forth in Article I, Section 8 of said Constitution by authorizing the secret bombing of neutral Cambodia and falsification of official reports about military actions in Cambodia, and by deliberately concealing the bombing from Congress and the people of the United States.

WE MUST GUARD AGAINST DIVISIVENESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, the American people are stunned and unbelieving. Staggered by the previous disclosures of 1973, they have held on thinking that sooner or later the hearings, investigations and trials would conclude and the truth would be out and justice would be done.

Now they reel from another body blow: Elliot Richardson, Archibald Cox, William Ruckelshaus—the three men whose presence guaranteed complete disclosure and fearless pursuit of all the facts—have been forced out by the President.

The calls and telegrams to my office confirm what everyone knows: Confidence in our Government and its leaders sinks to record lows. What is worse, no end is in sight.

While the President adamantly digs in to "tough it out," large numbers of Representatives openly call for impeachment and even moderate and conservative Members of the House begin to seriously weigh the need for such proceedings. And if the President and the courts keep on their respective courses, here is the agony the country could face in the coming weeks and months:

The vice presidential nomination of GERALD FORD is held hostage pending court suits and impeachment proceedings;

The House may actually be forced to vote in impeachment of a President—only the second time in this Nation's history;

Judge Sirica refuses to dismiss the tapes case and holds a President in contempt; appeals follow and the Supreme Court must ultimately decide;

The Senate refuses to confirm a new Attorney General unless a new prosecutor is appointed or a law is passed establishing an independent prosecutor's office;

The evidence compiled against the President and his associates is seized by the Justice Department amid charges that it will be destroyed or tampered with;

The Watergate grand jury expires as legislation to extend its life is vetoed or embroiled with other issues.

Surely the people of this country deserve better than this from their Congress and their President. There is, I suggest, a better way. But it will require sacrifice and restraint and magnanimity on the part of all of us—and most especially from Richard Nixon. It will require that we all stop maneuvering for partisan advantage and uttering loud ultimatums against each other. The Congress must give something basic and the President must respond.

I propose:

First. The Democratic Congress give up any effort, apparent or real, to reverse the election of 1972 and somehow parlay the Agnew tragedy into a Democratic President. GERALD FORD is a member of the party that won that election. He is a man of integrity whom Richard Nixon has picked as the person to carry out his foreign and domestic policies in the event he ceases to be President. The Congress should expeditiously complete its investigation of the Ford nomination, and finding no irregularities, as I expect will be the case, confirm the nomination.

Second. When Mr. FORD has been confirmed, Mr. Nixon should resign. The President is a proud and often stubborn man, whose Presidency is not without solid achievements. To step aside will be difficult for him, but I believe he loves his country and has the greatness to make this ultimate political sacrifice so the Nation he has led can have some semblance of unity once again.

I would hope that the major national Republican leaders might now ponder whether they cannot best serve their country and their party by urging President Nixon to step aside.

This proposal—and only this proposal—offers any prompt and conclusive way out of the jungle in which this great country finds itself. We would all do well—our President especially—to remember the ordeal of another President, Lyndon B. Johnson, who found himself to be the symbol of disunity, and who had the greatness to move aside. In his speech of March 31, 1968, he said:

> The ultimate strength of our country and our cause will lie not in powerful weapons or infinite resources or boundless wealth, but will lie in the unity of our people . . .
>
> And in these times as in times before, it is true that a house divided against itself by the spirit of faction, of party, of region, of race, is a house that cannot stand.
>
> There is division in the American house now. There is divisiveness among us all tonight. And holding the trust that is mine, as President of all the people, I cannot disregard the peril to the progress of the American people and the hope and the prospect of peace for all peoples.
>
> So, I would ask all Americans, whatever their personal interests or concerns, to guard against divisiveness and all its ugly consequences.

PRESIDENT RELEASES TAPES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. RIEGLE), is recognized for 10 minutes.

(Mr. RIEGLE asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. RIEGLE. Mr. Speaker, I wish I were not rising so late in the day when so few people are in the Chamber, but that is the way the procedures work here. But I think it is important to comment, if to no one else, at least to the people who are in this Chamber now, on the announcement that we had a few minutes ago that the President changed his mind and decided to release the nine tapes to Judge Sirica relating to the Watergate case.

Mr. HUNT. Mr. Speaker, will the gentleman yield at that point?

Mr. RIEGLE. I will yield a little later, but I will not at this time.

Mr. HUNT. Mr. Speaker, I want to get an audience for the gentleman.

Mr. RIEGLE. I will not yield to the gentleman at this time.

CALL OF THE HOUSE

Mr. HUNT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count. Evidently a quorum is not present.

Without objection, a call of the House will be ordered.

There was no objection.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 545]

Alexander	Gray	Rees
Anderson, Ill.	Green, Oreg.	Reid
Ashley	Grover	Roberts
Biaggi	Hanley	Rose
Blatnik	Hanna	Roybal
Bolling	Hanrahan	Runnels
Brasco	Hansen, Wash.	Ruppe
Broomfield	Harsha	Ryan
Brown, Mich.	Harvey	St Germain
Brown, Ohio	Hébert	Sandman
Buchanan	Holifield	Saylor
Burgener	Horton	Scherle
Burke, Fla.	Ichord	Schneebeli
Butler	Johnson, Pa.	Shipley
Carey, N.Y.	Jones, Tenn.	Skubitz
Casey, Tex.	King	Slack
Chamberlain	Landrum	Spence
Chisholm	Lujan	Stanton, J. William
Clark	McClory	Stanton, James V.
Conlan	McKay	Steed
Conyers	Macdonald	Steele
Delaney	Mallary	Steiger, Ariz.
Dent	Mathis, Ga.	Stephens
Derwinski	Melcher	Stuckey
Dickinson	Michel	Teague, Tex.
Diggs	Mills, Ark.	Tiernan
Dulski	Moorhead, Pa.	Udall
Esch	Moss	Van Deerlin
Evins, Tenn.	Murphy, Ill.	Veysey
Findley	Murphy, N.Y.	Widnall
Fish	Myers	Wilson, Charles H., Calif.
Foley	O'Neill	Zion
Ford, Gerald R.	Parris	
Fraser	Patman	
Fulton	Pepper	
Gettys	Poage	
Goldwater	Powell, Ohio	
	Quie	

The SPEAKER. On the rollcall 327 Members have recorded their presence by electronic device, a quorum.

By uanimous consent, further proceedings under the call were dispensed with.

PERSONAL ANNOUNCEMENT

Mr. PEPPER. Mr. Speaker, I entered the Chamber at the time the announcement was being made. I should like for the RECORD to show that I am present.

PERSONAL ANNOUNCEMENT

Mr. CAREY of New York. Mr. Speaker, I was detained and was unable to reach the Chamber in time to record my presence on the last rollcall.

PERSONAL ANNOUNCEMENT

Mr. HANLEY. Mr. Speaker, I also was unable to reach the Chamber in time to record my presence on the last rollcall.

PRESIDENT RELEASES TAPES

The SPEAKER. The gentleman from Michigan (Mr. RIEGLE), has 9 minutes remaining.

Mr. RIEGLE. Thank you, Mr. Speaker.

I am flattered by this wonderful turnout at this late hour to hear what I have to say in this special order.

The gentleman from New Jersey, my friend of long standing, JOHN HUNT called this quorum call. As to the circumstances, I had risen to speak on a 10-minute special order, JOHN asked me to yield, and I declined to yield at that point. He then moved a call of the House.

I would not want the gentleman from New Jersey to think I would not yield to him at the end of my remarks, because certainly I would.

I prefer not to yield until such time as I complete my statement. Then I will yield first to the gentleman from New Jersey.

So, Mr. Speaker, the reason I took a special order today was to respond to the announcement of a few moments ago that the President apparently changed his mind and decided to release the nine tapes in question under the appeals court order to Judge Sirica.

At this time it is not clear whether the information that the White House will release goes beyond just the tapes and gets to very profoundly important question of the documents and the relevant memoranda and White House logs which Special Prosecutor Cox spoke about and which he indicated quite clearly had been denied him up to this point.

I believe several points ought to be considered right now before any more time passes. No. 1, it seems to me that what the President has said by this action is that the special prosecutor was right in insisting that the tapes be turned over; namely, that the President comply with the court order.

Apparently, on reflection, the President has decided that the special prosecutor was right. That represents a gain and one that is useful.

I believe now it is fundamentally important the the President likewise act to reinstate the special prosecutor. What he has in effect said is that the special prosecutor was right from the beginning.

I hear some snickers in the chamber. I hear some snickers here. I think that is unfortunate, because there is one thing that the American people want today. It is not a partisan question. I believe they want the facts and they want the truth.

They want to find out who is guilty and who is innocent.

It seems to me that we all have a right to have that done, and that was the purpose for a special prosecutor. There were very few Members in this Chamber on either side of the aisle who objected to the establishment of a special prosecutor when this thing began. As a matter of fact, there was a very strong sentiment that there was a clear need for a special prosecutor. There still is.

There is just as much need for a special prosecutor today. I think we all know that the Watergate part of the story is probably the smaller part of the story now. I assume that most Members have seen the story on the wire that the trial of Maurice Stans and John Mitchell in New York had to be postponed today, because the White House is withholding evidence. That has nothing to do with Watergate. That is the Vesco case.

Are we going to proceed to allow the courts to work to find out who is guilty and who is innocent? Or are we not? That is a question which the President has not answered.

So, Mr. Speaker, I think what is appropriate now is that the President, in light of the fact that he has admitted today that he was wrong—he admitted it by turning over the tapes—ought to reinstate his special prosecutor, and he ought to do it today before any time is lost or any records are lost or misplaced, or what have you.

I believe this House ought to express itself on that point, and I hope that all the Members in the House will express themselves on that point. If there is some good reason why the special prosecutor should not be reinstated. I would like to have the Members rise later and explain what that reason might be.

I think, secondly, the question of the supporting memoranda and documents and the White House logs is absolutely vital. In other words, their submission, turning those over to the courts, is every bit as important as the tapes themselves, because when I heard our former colleague and friend, Mel Laird, speak on "Meet the Press" on Sunday, he finished the question as to whether the supporting documents would be turned over by saying,

Well, the tapes themselves are a more complete record.

Well, they are a more complete record if they are in their origial form. I suppose they are, but there is no way we can know that now. Many people in the country ask that question, I think quite properly. The only way to know if the tapes have been altered is by checking them against the memorandums and supporting documents and the White House logs that were prepared at exactly the same time.

So it is essential that they be turned over. As a matter of fact, if we had to do without one or the other, they probably are more useful than the tapes.

So what is the President's position in that area?

Finally, as I said before, the Watergate situation, I think, today is the smaller part of this whole thing. I think the White House would like to make that be the issue, because that sort of gets over into the area of political sabotage, and most people in the country take a dim view of politics and they tend to give that less weight.

But we are talking about a whole pattern of criminal activity. We are talking about special deals, about enemy lists, about favors, about money changing hands with no accurate records. We are talking about special audits by the Internal Revenue Service and a number of other things.

I do not honestly believe that there is a single Member in this chamber in either party who believes that this Government should operate that way. I know that in the 6 years I spent here in the House as a Member of the Republican Party, I never at one time heard one Republican colleague of mine advocate a police state under any kind of a President. Never once did I hear that. And I do not think they advocate that today, and I know that Members of the Democratic Party do not advocate that.

However, that has been the pattern, and it must be cleaned up, and the American people have a right to have it cleaned up. That is why we had a special prosecutor.

And so we have seen the President, through what seems to be a very clever maneuver, a very tricky maneuver, say, "No, you cannot have the tapes," and then we have the prosecutor do what he should do, and he says, "Mr. President, I cannot comply because that violates the court order."

So then the President fires the prosecutor and then promptly takes his advice.

Let us not be fooled by this. The American people are not going to be fooled by this.

I think what is at stake here is whether this chamber and we, as a Congress, really mean anything. When we talk about "law and order," that has got to mean law and order for everybody, and I think we have to be as quick to dismiss people and to punish people in either party if they commit offenses and break the law.

There cannot be two sets of rules. If we let the President or ourselves or any public officeholder commit crimes and get away with it and say they have special powers, we are doing the wrong thing. We are saying to every potential criminal in this country, dope addicts and muggers and others, that if you have the raw power to commit whatever crime you want to, you can get away with it. That is what we say when we allow that kind of a precedent.

Does the President live by a different set of rules? I hope not, because he should be the premier example of obeying the law.

Laws have been broken in a dozen cases here. You know them better than I do. I do not have to cite them. The milk deal, the Vesco and the ITT deal, and all the rest of the things. Who knows what the true facts are? But are we to say we do not have the right to know that a cover-up can go on by means of a diversion of a special prosecutor who gets booted out because he was doing exactly what he should be doing, namely, tracking down the facts?

I want to know who is guilty and who is innocent. I will be the first person into this well, the first person into this well, to congratulate the President of the United States if after a full and unhindered independent investigation he is cleared of all wrongdoing. I will be the first person into this well to congratulate him and pledge my support for the remainder of his term.

But if the coverup goes on, we will destroy our country and destroy the meaning of this Congress and destroy both political parties. We can do it if you want to. We can do it out of loyalty to an individual, but I think that is wrong.

Mr. BRECKINRIDGE. Mr. Speaker, I rise in support of the remarks of the gentleman from Michigan (Mr. RIEGLE) and while welcoming the reported action of the President in releasing the Watergate tapes to Judge Sirica, I deny that this action puts an end to the matter or meets the exigencies of the constitutional crisis imposed upon America by the President's action in denying the independent investigation and prosecution called for under the rule of law.

Mr. Speaker, today I joined with the gentleman from Iowa (Mr. CULVER) and others, in introducing the Special Prosecutors Conservancy Act of 1973 for the purpose of securing inviolate the constitutionally ordained separation of powers and checks and balances inherent in our form of government, and the maintenance of the independence of the judiciary in the administration of justice.

The statement of the Honorable Chesterfield H. Smith, president of the American Bar Association, as it appears in today's New York Times has set forth below, makes clear the fact that—

There can be no menace to our security from within and none from without more lethal to our liberties at home and fatal to our influence abroad than this defiant flouting of laws and courts.

The article follows:

THE CONSTITUTIONAL CRISIS

(By Chesterfield H. Smith)

CHICAGO.—As the President of the American Bar Association, I urge in the strongest terms that appropriate action be taken promptly by the courts, and if necessary by Congress, to repel the attacks which are presently being made on the justice system and the rule of law as we have known it in this country.

The American Bar Association last spring called for the appointment of an independent prosecutor with responsibility for the investigation and prosecution of the Watergate affair. The A.B.A. position was based upon its Standards for Criminal Justice, which provide that a prosecuting officer should have no conflict of interest or the appearance of a conflict of interest. Thus, under the standards, it would be improper for an investigation of the President himself, of the office of the President, or of the executive branch of the Federal Government to be conducted by a prosecutor subject to the direction and control of the President.

Based upon assurances made publicly by high officers of the Administration, the A.B.A. was most hopeful that Archibald Cox would be allowed to pursue justice in all aspects of his investigation without control by those whom he was charged with investigating.

Now, the President, by declaring an intention, and by taking overt action, to abort the established processes of justice, has instituted an intolerable assault upon the

courts, our first line of defense against tyranny and arbitrary power. The abandonment, by Presidential fiat, of the time-tested procedures to insure the equitable distribution of justice constitutes a clear and present danger of compelling significance.

The substitution, again by Presidential fiat, of a makeshift device—unilaterally improved and conferring upon one individual functioning in secret the power to test evidence—may well be acceptable for a Congressional investigation, but to also insist that it be utilized by the courts in criminal proceedings is an assault of wholly unprecedented dimension on the very heart of the administration of justice. The absolute gravity of the situation demands the most resolute course on the part of the courts and, if necessary, Congress.

There can be no menace to our security from within and none from without more lethal to our liberties at home and fatal to our influence abroad than this defiant flouting of laws and courts. I express my hope and confidence that the judicial and legislative forces of this nation will act swiftly and decisively to repeal and correct this damaging incursion by the President upon the system of justice, and therefore upon our basic liberties.

I hope also that the President will change his course and cease what I believe to be an unprecedented flouting of the rule of law. I also believe that the Congress should, as its first priority, re-establish the office of the Special Prosecutor and make it independent.

The people of this country will never believe that justice has been done until such time as the independent prosecutor is permitted to go into all aspects of Watergate without limitations or control imposed on him by those whom he has reason to believe are possible participants. At the same time, it is clearly proper that those who are being investigated by the Special Prosecutor present their objections to his conduct to the courts for a determination as to whether such conduct is legally permissible.

I pledge to see that the A.B.A. assist the United States District Court for the District of Columbia and any other Federal court in the discharge of its duties and responsibilities in this constitutional crisis.

I applaud the acton of three great lawyers, Elliot Richardson, William Ruckelshaus and Archibald Cox, who have emphasized to the nation that they are lawyers who honor the tradition of the legal profession and that they are lawyers who properly and without hesitation put ethics and professional honor above public office.

The question of impeachment must, Mr. Speaker, in the final analysis, find its resolution in the judicial system and the investigatory processes of the House. The Special Prosecution Conservancy Act of 1973 is the sine qua non to the re-establishment of the balance of power and integrity of our system of government. I urge its early passage.

THE EVENTS OF THE DAY

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of California. Mr. Speaker, I will be happy to yield to the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. I rise for the purpose of clarification. Considering the fact that my colleague from Michigan did not see fit to carry out what he said he would do; namely, let me answer him.

I want the RECORD to reflect why I called a quorum.

The gentleman from Michigan in his initial address made some facetious remarks that there was no one in this House again to hear an important message, as usual. I do not want the RECORD to be sanitized when he gets through as to the reason why I called that quorum. I am certain the President of the United States will be most happy to accept the gentleman from Michigan's apology when he gets ready to make it, which I doubt he ever will.

Mr. BROWN of California. Mr. Speaker, I had intended to make a few remarks about the events of the day myself, but in view of the circumstances which have developed, I would merely like to request unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROWN of California. Mr. Speaker, today I have joined in the introduction of two measures designed to bring about consideration by this House of articles of impeachment of the President of the United States. It is not merely Richard Nixon I seek to impeach, but an entire style of politics, an approach to the use of power which takes the attitude that the end is so virtuous—namely the election of Richard Nixon to office—that any means necessary to that end is legitimate no matter what laws are broken, what institutions are corrupted, or what reputations are sullied.

Lest anyone mistakenly believe that the events popularly known as Watergate are somehow peculiar to the period of the 1972 election and the excesses of persons involved in what they viewed as a holy crusade to save the country from the fate of a McGovern Presidency, one can readily find similar examples in each of Mr. Nixon's past major campaigns. Not only that, but many of the very campaign aides who demonstrated so well their talent for using any means necessary to elect Richard Nixon a decade ago or a quarter century ago have been carried with him up to the present. Mr. Nixon cannot dissociate himself from the actions of his aides in the White House and the Committee to Reelect the President when he knew only too well what these men were prepared to do to elect him.

In 1946 when Mr. Nixon first ran for public office, it was against veteran Congressman Jerry Voorhis, named "first in integrity" among Members of the House of Representatives by the Washington newsmen. As a member of the House Committee on Un-American Activities he had even authored the Voorhis Act which was bitterly assailed by the Communist Party publication People's Daily World.

Nevertheless, Mr. Nixon, following the advice of his public relations adviser, Murray Chotiner, accused Voorhis of being a dupe of the Communists and of "consistently voting for the Moscow-PAC-Henry Wallace" line in Congress. In the same fashion as the anonymous phone calls in the New Hampshire primary that were used to sabotage the Muskie campaign, Mr. Voorhis' candidacy was subjected to anonymous phone calls to voters who were told that he was a Communist.

With Murray Chotiner as his campaign manager in his 1950 campaign for the U.S. Senate, Mr. Nixon depicted his opponent U.S. Representative Helen Gahagen Douglas as the "Pink Lady," distributing over a half million flyers printed on pink paper which purported to demonstrate that she had voted the same way as the New York Congressman Vito Marcantonio who was outspoken in his Communist sympathies. The flyer, of course, did not mention that a majority of the Democrats in this body had voted the same way and that Richard Nixon himself had done likewise on many occasions.

During the course of the Watergate investigation, not surprisingly, we have learned that Mr. Chotiner was responsible for corrupting the journalistic coverage of the 1972 campaign by his use of paid spies who masqueraded as legitimate news reporters while preparing reports on the Democratic campaigns to be read by White House officials the next morning.

Moving closer to the present, we come to Mr. Nixon's losing 1962 campaign for Governor of California. During that campaign he honed techniques that were to prove useful 10 years later. Among these was the use of a $70,000 phony mailing. California Democrats received a large post card from the nonexistent "Committee for the Preservation of the Democratic Party." Purporting to be a poll, the card's "questions" were instead used to put across a Nixon campaign message that the Democratic Governor was a captive of extremists. In addition, this phony Democratic committee solicited contributions from the Democratic voters to "preserve our Democratic processes."

The State's official Democratic Party went to court and a State judge ruled against the Nixon campaign committee and its campaign manager, one H. R. Haldeman. It held that:

> In truth and in fact, such funds were solicited for the use, benefit and furtherance of the candidacy of Richard M. Nixon.

The judge found that the phony post-card poll "was reviewed, amended and finally approved by Mr. Nixon personally." The judgment was never appealed.

It is not surprising that extensive use was made of phony mailings in 1972 by Nixon campaign worker Donald Segretti. Responsible for payments to Mr. Segretti and for recommending approval of his activities to H. R. Haldeman, was former Presidential Appointments Secretary Dwight L. Chapin. Mr. Chapin is also famous as a result of John Dean's testimony that it was Chapin who proposed getting some thugs to discourage a lone demonstrator in Lafayette Park. And when one examines the list of Mr. Nixon's paid campaign aides in the 1962 gubernatorial campaign he finds, in addition to H. R. Haldeman, Dwight L. Chapin plus Herbert Kalmbach and Ronald Ziegler. Other men who participated in the Nixon campaign that year were Maurice Stans, John Ehrlichman, and Murray Chotiner.

Mr. Speaker, those of us in this body from California remember only too well these and similar facets of Richard Nixon's willingness and the willingness of the men with which he surrounds himself to use whatever means they see

as necessary to obtain and hold political power. Watergate is not an aberration. It is merely 1946, 1950, and 1962 on a grander scale. It is also a demonstration of what happens when a person such as Richard Nixon has at his fingertips the powers of the executive branch of the Government.

The investigations of the Watergate Committee and the Special Prosecutor have been only too successful in revealing for all to see the extremes to which Mr. Nixon and his aides are willing to resort. It was for this reason that Richard Nixon found he had to end the work of the special prosecutor and it is for this reason that Richard Nixon must be impeached.

RESOLUTION OF INQUIRY INTO THE QUESTION OF IMPEACHMENT

The SPEAKER. Under a previous order of the House, the gentleman from Utah (Mr. OWENS) is recognized for 10 minutes.

Mr. OWENS. Mr. Speaker, in the past 5 days, we have witnessed events unprecedented in American history. On Friday, the President failed to appeal from a decision directing him to produce for judicial inspection tapes, notes and other memoranda which had been subpenaed by the special prosecutor. Instead, he announced arbitrarily a so-called compromise and demanded that everyone—the courts, the Senate Watergate Committee, and the special prosecutor—accept it. The special prosecutor, with good reason, refused to abide by the President's attempt to settle unilaterally the suit for the tapes.

The summaries of the tapes which the President proposed to supply would not be sufficient to enable the grand jury to reach an informed decision as to the necessity of indicting individuals under investigation. The summaries would not be admissible as evidence in court, in any trials which come out of the grand jury investigation. Finally, and perhaps most importantly, the President ordered the special prosecutor not to seek court orders for any further records of Presidential conversations, papers or records.

On Saturday the President forced the resignation of the Attorney General Elliot Richardson, and the Deputy Attorney General William Ruskelshaus, who in good conscience could not carry out the President's order to dismiss Mr. Cox and thereby destroy the independent status of the special prosecutor's office. Such independent status was and is essential to reestablish the integrity of the executive branch and the rule of law.

After forcing the resignation of the only uncompromised men in the Justice Department, the President ordered the special prosecutor's office and files sealed and placed under FBI guard. Those are the tactics of a dictator, a man who fears independence and the orderly and impartial pursuit of justice.

This afternoon, incredibly, the President announced that he would comply fully with the court of appeals' order to produce the tapes. This seemingly erratic action raises the gravest questions about the President's motives in dismissing Mr. Cox. If the President's sole concern had been preserving the confidentiality of the tapes, why was he willing to go to such extraordinary lengths last week to preserve that confidentiality, and then reverse his decision 5 days later? His action certainly lends credence to the argument that the confrontation with the special prosecutor was planned in order to create a pretext for his removal.

I believe that the President had the special prosecutor fired, not because of any impropriety on the prosecutor's part, but because Mr. Cox exercised the very qualities of independence which his task demanded. His firing leads me to the conclusion that the President feared the revelations and actions which could come from the special prosecutor's investigations into a host of improprieties involving the White House and the President himself.

Those improprieties include the following:

On July 25, 1970, the President personally approved the "Huston Plan" for domestic political surveillance by such methods as breaking and entering, wiretapping, and military spying on civilians.

The President usurped the warmaking powers of Congress by the bombing of neutral Cambodia and deliberately concealing the bombing from Congress.

The President established within the White House a secret police, the so-called "Plumbers," who operated outside the law, engaging in criminal acts including burglary and perjury.

The President compromised Judge Byrne by offering him the post of FBI director while the judge was trying the Ellsberg case.

The White House directed the settlement of the ITT antitrust case at a time when ITT was making a substantial contribution to the Republican Party.

The milk support prices were raised after the dairymen made a substantial contribution to the President's reelection campaign.

The President has engaged in a pattern of practice seeking to cover-up crimes related to the Watergate break-in, including early attempts to limit the scope of the Watergate investigation, use of campaign contributions to buy the silence of Watergate conspirators, and, most recently, the firing of the special prosecutor.

The gift of his Vice Presidential papers, for which the President received a substantial tax break, raises questions that he has used the IRS improperly for his personal enrichment.

The financing and tax implications of the purchases of the San Clemente and Key Biscayne residences of the President are of doubtful propriety.

This list, as well as the conduct of the Watergate investigation prior to the creation of the special prosecutor's office and other incidents, clearly demonstrates the need for a prosecutor who is independent of the White House and the entire executive branch.

Of greatest emergency this afternoon is the necessity of protecting the files and evidence already gathered by the special prosecutor and assuring an independent prosecution of this investigation. Consequently, I have today cosponsored a bill which would reestablish the special prosecutors' office as a branch of the judiciary.

This bill would authorize Chief Judge Sirica to appoint a new special prosecutor, who could then be removed only by Judge Sirica or his successor chief judge. It would provide funding for the prosecutor's staff, and direct the FBI to provide him with such investigations and material as he may require. It would also extend the life of the Watergate grand jury, now due to expire on December 5, for 6 months, and for longer periods if Judge Sirica found further extensions to be necessary. Finally, the bill encourages Judge Sirica to disqualify himself from judging any cases brought by the special prosecutor whom he appointed.

I have also cosponsored a resolution calling for the establishment of an investigation into the necessity of impeachment, as I promised last Sunday morning. I am here inserting that statement and the resolution for the RECORD.

There is a danger that any move in the direction of impeachment will be seen as an attempt by Democrats to replace the Republican President with a Democratic Speaker of the House. The Democrats do not seek such an advantage. Nor can my party even appear to wish such an eventuality. This issue transcends all partisan concerns, and to allow such an appearance could raise such partisan feelings as to make an objective inquiry into a possible impeachment completely impossible. For that reason, I believe that the House must expedite the hearings and consideration of GERALD FORD to be Vice President. If, for some reason, he is not confirmed, then provision must be made tc place a Republican next in line of succession in the event that the President should be impeached. This could be done by our election of a Republican, of Presidential capabilities, as temporary Speaker of the House.

Above all, Mr. Speaker, we must have the courage to assert the proper role of the House of Representatives at this time of grave constitutional crisis. If we will proceed vigorously, in a manner completely free from partisan objectives, we can be sure the country will support us in our attempts to make a rational judgment about the continuation of Richard Nixon as President of the United States.

The items follow:

STATEMENT FROM REPRESENTATIVE WAYNE OWENS

The President's erratic actions of the last two days are unsupportable, in my opinion, by any theory of executive privilege. He has allowed and would allow persons of his own choice to hear the disputed tape recordings, yet has refused definitive court orders that they be secretly heard by impartial judges who would protect the confidentiality of noncriminal matters.

I have concluded that the President was less

than honest when he said that he wanted all the facts to come out, because he has destroyed the only chance that the judicial process could bring out the truth by removing the only uncompromised men in the Justice Department.

This leaves a very reluctant Houses of Representatives no alternative to commencing impeachment proceedings immediately. I hope and pray we have the courage to face up to that responsibility in a sober, judicious manner, completely free of partisanship or political overtones.

RESOLUTION

Resolved, That the Committee on the Judiciary immediately undertake an investigation of the activities of Richard Nixon, President of the United States, to ascertain all facts bearing on the possible commission by him of high Crimes and Misdemeanors under section 4 of Article II of the Constitution, and that upon completion of such investigation said Committee report to the House its recommendations with respect thereto, including, if the Committee so determines, a resolution of impeachment.

THE PRESIDENT AND ARCHIBALD COX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 10 minutes.

Mr. PODELL. Mr. Speaker, the action of President Nixon in dismissing Special Prosecutor Archibald Cox and closing down his office is perhaps the greatest outrage against the public ever worked by a President on the American people.

Piling crisis upon crisis, virtually all of them swirling about his own conduct of the presidency and his own campaign for reelection, the President has now committed the ultimate indiscretion of a leader. He has broken faith with the people, with the Congress and with the courts.

Pressed for some shred of credibility some months ago, the President appointed an "independent" prosecutor who would be unhindered in his search for the truth in the Watergate scandal, the coverup, election law violations and other matters. Now, like a bad sport, he wants to take his marbles and go home. He wants to change the rules in the middle of the game. He would change the Constitution and then do away with due process.

There is no more deadly action he could take in a nation that has revered its constitutional democracy. He would do away with the even distribution of justice. This recent move of the President amounts to transferring the crisis of confidence the people have felt about the man, to a crisis of confidence about the office, and the Government.

This Nation works because the people believe that government works toward evenhanded justice for all, through due process and without favoritism by the administration, the Justice Department or the courts. It is this usurping of constitutional privilege and power on top of demonstrated dirty tricks and crime in the quest for more power that brings this matter before the House today.

Previously Presidential actions were akin to this most recent outrage, but this is nonetheless shocking.

When the late J. Edgar Hoover would not lend the FBI to the White House as political operatives, the White House set up its own special investigative unit—the Plumbers—who then proceeded to violate the private and civil rights of those who had incurred the administration's wrath. And the Plumbers broke practically every law on the books in the process. Guided from the White House, they used, and were used, by deceit, misrepresentation, half truths and a feeling they were above the law of the land while they were working out of the White House.

As Prosecutor Cox moved with due process closer to the truths about this most corrupt of administrations, he was summarily dismissed, his record impounded, and his investigation set back to where it was 6 months ago.

Mr. Speaker, we are here today considering this matter of impeachment because it was thrust on us by an administration indifferent to the structures of the Constitution and the requirements of a civilized society.

Let us act accordingly.

IMPEACHMENT PROCEEDINGS

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON. Mr. Speaker, this past weekend's events, where the President fired his special prosecutor and precipitated the resignation of his Attorney General and Deputy Attorney General, were the latest in a chain of events that has raised grave doubts about the propriety of President Nixon remaining in office.

Over the months there have been numerous allegations of criminal wrongdoing extending to the highest levels of the White House. Now he has broken his promise that these charges would be pursued by a Special Prosecutor to wherever they lead.

These activities have rightly generated an unprecedented public outrage and demands that the President be removed from office. Under the Constitution, the House of Representatives has the responsibility for initiating impeachment proceedings. This resolution, that is being introduced by 61 of my colleagues and myself, directs the Judiciary Committee to begin its investigation to determine if grounds exist for impeachment.

It is imperative that this inquiry begin immediately. Only by a proper and thorough investigation can this matter be resolved in the fair matter dictated by the Constitution.

Following is a list of 61 Members cosponsoring this legislation.

LIST OF COSPONSORS

Abzug, Anderson, G., Aspin, Bergland, Bingham, Brasco, Brown, G., Burton, Boland, Brademas, Chisholm, Culver, Conyers.

Dellums, Drinan, Eckhardt, Edwards, Evans, Fascell, Fauntroy, Foley, Ford, W., Fraser, Giaimo, Grasso, Green, Harrington, Hawkins, Helstoski, Hicks.

Howard, Jordan, Karth, McCormack, Mazzoli, Metcalfe, Mezvinsky, Mink, Moakley, Mollohan, Moorhead, (PA), Murphy, J., Nedzi, Obey, O'Hara, O'Neill, Pepper.

Podell, Rees, Rooney, Fred, Roybal, Schroeder, Seiberling, Stark, Studds, Symington, Tiernan, Thompson, Udall, Yates, Young, A.

Resolution, directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon

Resolved, That the Committee on the Judiciary shall, as a whole or by any of its subcommittees, inquire into and investigate the official conduct of Richard M. Nixon to determine whether in the opinion of said committee he has been guilty of any high crime or misdemeanor which in the contemplation of the Constitution requires the interposition of the powers of the House of Representatives under the Constitution. The Committee on the Judiciary shall report its findings to the House of Representatives, together with such resolutions, articles of impeachment, or other recommendations as it deems proper.

PUBLIC REGULATION BEFORE PRIVATE MONOPOLY

(Mr. MOSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOSS. Mr. Speaker, natural gas provides more than 36 percent of our domestic energy. It is the cleanest of fossil fuels, its combustion producing far less air pollution than any other conventional fuel. In some areas, it is the only fuel that can be burned in quantity without significantly violating air quality standards and causing hazards to public health. These desirable properties, together with availability at reasonable prices, have caused demand for natural gas to increase rapidly.

At the same time since 1968 reported reserve additions have lagged behind annual consumption. During the past year, 15 of the Nation's largest interstate pipelines were unable to provide enough gas to meet needs of customers. In many communities, natural gas is not available to new customers.

Deregulation has been offered as a solution by the administration. In my judgment, however, the deregulations of interstate natural gas called for by the President indicates he believes, rather simply, that what is good for the oil industry is also good for the country. If prices of natural gas, for example, were allowed to increase by 30 percent, the value of natural gas reserves would climb by $300 billion. More drilling would perhaps occur, but "windfall profits" for the industry would be staggering. The policies advocated by the President would increase benefits for the industry, but at the expense of the American consumer. In essence, deregulation is part of the problem, and not part of the solution. I am, therefore, introducing today a comprehensive regulatory proposal to provide

an alternate approach, known as the Oil and Gas Regulatory Reform Act.

I am proposing this regulatory reform bill because the pattern of recent shortages of gasoline, threats of renewed scarcities of heating oil, and rising prices of petroleum products have suggested the existence of serious structural problems and anticompetitive behavior within the petroleum industry.

The Cost of Living Council; and States of New York, Hawaii, Florida, Colorado, Minnesota, and Massachusetts have either filed suit or are about to bring antitrust actions against major oil companies. In Los Angeles, the Antitrust Division of the Justice Department is conducting an inquiry to determine whether there was a massive conspiracy to fix wholesale and retail gasoline prices in 1971 and 1972. Recently, James Halverson, Director of the Federal Trade Commission's Bureau of Competition, testified before the Senate Anti-Trust and Monopoly Subcommittee:

1. Serious underreporting by natural gas producers to the Federal Power Commission of natural gas reserves has existed and continues to exist;

2. Procedure of reporting reserves through subcommittees of the American Gas Association composed of employees of major producers could provide the vehicle for a conspiracy among companies involved to underreport gas reserves, but more information is needed in this area.

Cost of Living Council Director Dunlop recently stated that—

Rapidly increasing prices for gasoline are one of the major contributors to inflation in this country.

The Federal Trade Commission on July 17, 1973, issued a complaint against the Nation's eight largest petroleum companies charging monopolization and maintenance of a noncompetitive market structure.

Because the petroleum industry does not appear workably competitive I propose a Regulatory Reform Act designed to assure adequate supplies of petroleum at reasonable prices to consumers. Principal provisions of this proposal are:

Extend Federal Power Commission regulatory authority to intrastate transportation and wholesale sales of natural gas. This would eliminate an arbitrary distinction currently existing between interstate and intrastate gas. The public cannot be adequately protected if more than 40 percent of the market is not subject to a uniform. comprehensive system of regulation. As a result of the current situation, the intrastate market has been able to enjoy substantial economic advantage in competing with the interstate market. There have been massive diversions of natural gas for low priority industrial uses within producing States. There is no more reason to assume that the intrastate market is any more competitive structurally than the interstate market. Consequently, regulatory protections would be desirable there, too.

It would authorize the Federal Power Commission to establish a national area rate in a rulemaking procedure. Variations in rates for different regions would be preserved, however, to account for differences in area costs. Such a national area rate would be based on cost of production and subject to congressional disapproval. The Commission is authorized to grant exemptions to the national area rate in a rulemaking procedure. Variatotal revenues. This bill would incorporate incremental pricing concepts in marketing of synthetic and liquified natural gas. Small producers producing less than 10 million M.c.f. of gas per year would be exempted from Federal Power Commission price regulation. This procedure would streamline FPC regulation and eliminate the enormous regulatory lag currently plaguing the Commission.

Title I of this bill requires natural gas companies to report efforts to increase gas reserves and directs the Commission to conduct an independent evaluation of such reserves. Hard facts behind producers' claims of declining natural gas reserves must be subjected to public scrutiny.

Gas producers are seeking and obtaining massive price increases for the purpose of stimulating their investment in new gas exploration and development. Many believe the gas shortage has been deliberately exacerbated by industry to obtain approval of excessive rates from the FPC. My proposal would authorize and direct an independent comprehensive evaluation of natural gas reserves to settle this issue.

Title I establishes a workable procedure for filing and approval of contracts by natural gas producers. It would remove a major area of uncertainty for producers by sanctifying contracts approved by the Commission. The Commission would be authorized to allocate natural gas production among pipelines to assure equitable distribution among all regions and classes of customers.

We must ascertain whether this new streamlined natural gas regulatory structure should be extended to cover oil production as well. The Cost of Living Council, under authority of the Economic Stabilization Act, is currently regulating the price of petroleum products. This job is not being done effectively because their staff is wholly inadequate, controls are temporary, and petroleum companies do not utilize a uniform system of accounts. To correct these serious deficiencies, we must build a record on the question of whether or not the Federal Power Commission should also assume primary responsibility for petroleum economic regulation.

We should discover whether or not effectiveness of Federal Power Commission regulation of natural gas is impeded by its lack of jurisdiction over oil. It has been suggested that, if a comprehensive regulatory mechanism is desirable for natural gas, the same regulatory system would be appropriate for the oil industry. Both natural gas and oil are developed and produced by similar methods, natural gas and oil are substitutes for each other in terms of uses, they are in great demand to meet the Nation's growing energy needs while proved reserves are both declining and inadequate. To a large extent, both natural gas and oil are produced by the same persons: Major petroleum companies.

Both natural gas and oil producers suffer from the same structural imperfections and patterns of anticompetitive behavior and, consequently, the free market cannot be relied upon to assure adequate supplies of either natural gas or oil to the consumer at reasonable prices. For these reasons, we must inquire whether oil should also be covered by applicable provisions and regulatory framework of the Natural Gas Act.

Title II of this bill addresses the special problem of oil pipeline transportation. Senate hearings on the "Fair Marketing of Petroleum Products Act" and exhaustive Federal Trade Commission investigations convince me major oil companies have abused and exploited ownership and control of oil pipelines to maintain and reinforce a noncompetitive market structure and limit supply of crude oil to independent refiners.

This proposal would give the Federal Power Commission power to compel pipeline operators to provide service and storage facilities to producers and refiners meeting reasonable minimum requirements. Noncompliance by any pipeline owner would subject him to treble damage suits. It further gives the Federal Power Commission authority over construction of oil pipeline facilities, transferring all functions of the Interstate Commerce Commission with respect to regulation of oil pipelines under Part I of the Interstate Commerce Act to the Federal Power Commission.

I need not remind my colleagues that the history of Federal Power Commission regulation has been uneven, to say the least. At times, it has been dominated by those very interests it is charged with overseeing. There is almost universal dissatisfaction with the way the FPC has performed in the past 5 years. While I do not believe regulation is to blame for current shortages of natural gas, it appears the agency misresponded on many issues, if it responded at all.

Therefore, a preferable solution to the problem of anticompetitive behavior in structures may well be divestiture and deconcentration of all our energy industries. Until a structure of workable competition is restored, I believe an effective, comprehensive system of regulation of economic aspects of natural gas production and oil transportation is necessary.

For what America needs is what we still do not have—a truly national, public-oriented energy policy that addresses itself to the harsh realities of our present crisis while presenting rational solutions toward their resolution. To paraphrase a current industry slogan: A nation that runs on oil and gas cannot afford to run short of governmental policies that allocate energy reserves effectively, sagaciously, and in a manner that will most productively contribute to the improvement of the general welfare. In my judgment, the Oil and Gas Regulatory Re-

form Act represents a significant step in this direction.

WASHINGTON STATE CONGRESSIONAL DELEGATION INTRODUCES FOUR ALPINE LAKES BILLS

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, the Washington State congressional delegation is today introducing four separate bills to extend wilderness classification to the lands in the Alpine Lakes region of our State. One of the bills also creates a national recreation area.

The four proposals are recommendations made by the various user-conservation groups and by region 6 of the U.S. Forest Service. The delegation emphasizes that we are beginning the legislative process on Alpine Lakes with no fixed boundaries in mind, no commitment to this or that specific proposal. All four measures are being introduced so that they may receive a fair hearing.

Special recognition has been accorded to the Alpine Lakes region for over 27 years, for in 1946 the U.S. Forest Service designated 256,000 acres as the Alpine Lakes limited area. More recently the North Cascades study team in 1965 recommended creation of a 150,000-acre Alpine Lakes Wilderness Area and a 30,000-acre Mount Stuart Wilderness Area.

What makes the Alpine Lakes country so unique is that nature has given us an area close to major population centers in which 5 out of 7 biotic or life zones are represented. Half of Washington's population lives within 60 miles of the Alpine Lakes area.

Mountain scenery in the Pacific Northwest is spectacular by any measure, but in the Alpine Lakes region you find 700 lakes, heavily timbered valleys, and soaring peaks all within a relatively compact area. Since the Cascades act as a weather barrier, you have in the Alpine Lakes region a tremendous differential in the amount of rainfall. The forests are characterized by variety with Douglas-fir, nobel fir, western larch, lodgepole pine, and even ponderosa pine represented.

Proximity to population centers and the fragile nature of some of the Alpine Lakes terrain makes it imperative that we extend wilderness classification to some of the land and that ways be found to disperse recreationists. In its environmental impact on the region 6 proposal, the Forest Service observed:

> In 1972, 930,000 persons stopped to engage in recreational pursuits in the Alpine Lakes area. Based on an average expenditure of $10 each day, they spent $23,500,000. With increased National recognition and prediction of upward trends in outdoor recreation, this figure could be expected to be five times greater in the year 2020 based on 1972 dollars.

Later in the report, the Forest Service cautions:

> Estimates of future use indicate that hiking will increase fourfold in popularity by 2020, while pleasure driving could triple by the same year. Unless proper emphasis in the form of management planning and funding aimed toward a better dispersion of recreation users is forthcoming, an increase in restrictions to the individuals using these lands appears imminent.

Aside from its recreation resources, the Alpine Lakes country contains a significant timber resource. In the high mountain terrain, nearly all the land is owned by the U.S. Forest Service. As one moves out into the lower valleys, "checkerboard" ownerships prevail. Alternate sections are owned by both the Government and by private corporations. The principals are Burlington Northern, Weyerhaeuser, and Pack River Lumber Co.

All four bills we are introducing today will have an impact on timber harvesting, although the exact estimates are difficult to obtain. Not only do various groups and the U.S. Forest Service use different calculations, but the Forest Service itself is proposing a "management area" around the wilderness core that could, according to the Forest Service, bring about a 30-percent reduction in the annual allowable timber cut.

Two of the bills call for substantial amounts of private land to be classified as wilderness. It should be understood from the outset that there is no general condemnation authority in the Wilderness Act and that designating private land as wilderness would probably require land exchanges. Since the Forest Service would be trading away some of its land, such exchange would remove these lands from the allowable cut calculations.

Now I would like to describe briefly the four bills.

The first measure creates a 285,000 acre wilderness area and is the recommended land use plan of region 6 of the U.S. Forest Service. The Forest Service cannot give its stamp of approval to the proposal since it has not been cleared by the Office of Management and Budget and by the White House. But this will take months, and the congressional delegation asked the Forest Service in September of 1971 to expedite its work on the Alpine Lakes region.

Not contained in the bill are significant land use proposals made by the Portland office of the agency. They have suggested acquisition of some private inholdings so that another 82,000 acres could be managed as wilderness. They are recommending an Index Mountain and Tumwater Canyon Scenic Area totaling 24,000 acres. Finally and most importantly, Region 6 recommends that 443,754 acres of national forest land and 190,110 acres of private lands be included in something they call a "management area." Dispersed recreation, facilities for the same, timber harvesting, and watershed protection are the management objectives in this unit, although the Forest Service is vague as to precise resource impacts and allocations.

The second proposal comes from the Alpine Lakes Coalition, a group of timber industry and other recreation users. This bill creates an Alpine Lakes Wilderness Area of 172,000 acres and an Enchantment Wilderness Area of 44,000 acres. Surrounding the wilderness but not identified in the legislation is a very large multiple-use management unit.

The third measure is the bill presented by a coalition of conservation groups including the North Cascades Conservation Council, the Friends of the Earth, the Sierra Club, and the Mountaineers. This bill establishes an Alpine Lakes Wilderness Area of approximately 600,000 acres, including large amounts of land now held by the three major landowners described earlier. This bill also envisions closure of several roads.

The fourth proposal is offered by the Alpine Lakes Protection Society, and this measure creates an Alpine Lakes Wilderness Area as a 364,000 acre "core" within a national recreation area that totals 926,000 acres. Much of the plan involves private land. Within the wilderness and national recreation area the Forest Service is to be given broad authority to acquire land, limit timber harvesting, and prescribe zoning regulations. Clearcutting would be limited to units no larger than 25 acres. Lands within the area will be withdrawn from location, entry, or patent under the mining laws of the United States.

Mr. Speaker, these four bills are constructive and positive in the way they seek to classify the magnificent Alpine Lakes country. It is my hope that citizens of Washington State and the Nation will study the proposals carefully and give the delegation their views. We are uncertain just yet when hearings might be held, but the delegation will be conferring to map out a schedule. Now that the bills have been introduced, the U.S. Forest Service and private owners should exercise prudence in resource management. The Forest Service in particular should be cautious in the decisions made concerning lands within the boundaries of the various proposals. With the helpful cooperation of public agencies and private groups we will be able to move forward and set aside the Alpine Lakes area for the use and enjoyment of our people.

END OF AN ERA—KEY WEST NAVAL STATION CLOSES

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, on Wednesday, October 17, 1973, the submarine U.S.S. *Amberjack* was decommissioned. The significance of this event lies in the fact that the *Amberjack* was the lone vessel still stationed at the Key West Naval Station. Thus, the submarine's retirement marks the end of 150 years of history for the Navy Base at Key West.

The base was first established on April 3, 1823, by Commodore David Porter as a depot for the West India Squadron, created to fight the pirates who plun-

dered the Caribbean in those days. Porter tagged Key West "the Gibraltar of the Gulf" because of its strategic location and its qualities as a fine natural port.

During the Civil War, Key West became the busiest port in the Nation. The only Union port in the South, it was the headquarters of the Union's naval blockade. Following the war the naval presence lessened but the city of Key West blossomed. By 1890 it had become the biggest city in Florida and one of the richest in the country, despite the fact that it was to remain accessible only by water until the 1920's. Key West again became the center of the Nation's naval activity during the Spanish-American War, as it lies only 90 miles across the Straits of Florida from Cuba. In World War I Key West was an important submarine warfare research center. During World War II 14,000 ships passed through the port.

Key West geared up from its peacetime routine as a quiet Navy town for the last time in October of 1962 when the Cuban missile crisis made the base the scene of furious activity as the headquarters for the U.S. blockade of arms shipments to Cuba.

Following the Cuban crisis, the Key West base became, for the most part, a submarine base. In more recent years the naval station has suffered a disproportionate share of cutbacks. These severe cutbacks occurred despite the vigorous and eloquent objections of those who felt that Key West was one of our Nation's most important naval installations and that such heavy cutbacks represented cockeyed priorities within the military establishment. Supporters of the Key West base argued that Key West was the most strategically located position within the U.S. mainland for the defense of the Gulf of Mexico, the Panama Canal, the Caribbean, and the Southeast United States.

As the sighting of German U-boats off the Florida coast in World War II and the Cuban missile crisis both graphically demonstrated, the Southeast has long been the soft underbelly of the defense of the U.S. mainland. In both of these crises, the strategic value of Key West was made dramatically clear. There has been nothing to demonstrate that this area has become strategically less crucial since then. The complete elimination of seaborne military capability on the basis of economic limitations does seem, under these circumstances, to be poor planning.

Besides having demonstrated its strategic importance for over 150 years, Key West has demonstrated that it is physically an excellent naval location. The port of Key West is deep and well-protected, and lies only 6 miles from the deep waters of the Florida Straits. No other U.S. port lies so close to waters deep enough for complete submarine security and maneuverability.

In spite of these and many other points made by proponents of a viable Key West Naval Station, the severe cutbacks have continued. It eventually became obvious to those most concerned that the Key West Naval Base was doomed to death by slow strangulation. Thus, the events of last Wednesday, the deactivation of Key West's last naval vessel, came as no surprise. However, the lack of surprise makes this event no less sad, for it underscores the end of a strategically important naval base, as well as the end of an era: For the first time in 150 years ships of the U.S. Navy will not be stationed at Commodore Porter's "Gibraltar of the Gulf."

Mr. Speaker, I include two articles from the Miami Herald and an article from the Key West Citizen which portray vividly the illustrious history of the Key West Naval Station:

[From the Miami Herald, Oct. 13, 1973]

IT'S ANCHORS AWEIGH FOR KEY WEST BASE

(By Jeanne Bellamy)

The wheel of history will make another turn next Wednesday at the U.S. Naval Station at Key West, which observed its 150th birthday last April 3. Oddly, its shift toward civilian use will have circular overtones in relation to its origin.

The last submarine to be based at the station, the diesel-powered Amberjack, will be decommissioned Wednesday as the Navy moves toward an all-nuclear force. The base itself will be mothballed early next year, but the nearby Boca Chica Naval Air Station's roster of manpower will be beefed up by more than the loss at the sub base.

Meanwhile, the City of Key West has leased a pier and building at the naval station annex as facilities for the Port of Key West. Its first visitor, due Oct. 19, will be the MS Bolero, which will return every Friday for a 15-hour stay.

The Bolero is a luxury cruise car liner with space for 500 passengers. She will sail from Miami and Key West each Saturday for stops in three Mexican Gulf ports before retracing her course.

The link with Mexico seems to complete a circle started long ago by Commodore David Porter, who was quite a guy. During the War of 1812, he skippered the Essex when she rounded Cape Horn in 1813 and became the first Navy vessel to display the American colors in the Pacific, where she cruised for a year, supporting herself entirely by capturing enemy ships.

Porter was tapped to command the West India Squadron, then engaged in suppressing piracy. On April 3, 1823, Porter established a depot at Key West and put Marines ashore to protect the stores and provisions of his base against "the buccaneering brethren of the coast." Porter's two years with the squadron left the pirates virtually out of business.

At one point in this assignment, Porter was displeased by the reception given his men at a port in Puerto Rico, then owned by Spain. He landed a force and demanded an apology. The incident was seized upon by his enemies, who succeeded in having him suspended briefly.

Proud and sensitive, Porter resented deeply any penalty for upholding the honor of the flag, as he saw it. He resigned in 1826 and accepted an offer to head the Mexican navy at $12,000 a year, then an immense sum, plus a large land grant.

He served the Mexican government for three years, which included a year of cruising, chiefly near Key West. His salary went unpaid and the experience wrecked his fortune. His friends had the upper hand by this time in Washington under President Jackson, and Porter ended his career in diplomatic posts in Algiers and Turkey.

Passengers on the cruises between Key West and Mexico may sense that they are sailing in the wake of Commodore Porter.

[From the Miami Herald, Oct. 18, 1973]

TEAR HER TATTERED ENSIGN DOWN—KEY WEST BASE LEFT SHIPLESS

(By Wright Langley)

KEY WEST.—The submarine USS Amberjack was decommissioned Wednesday, leaving the 150-year-old Key West Naval Station without a ship. * * *

The Navy has now converted almost exclusively to nuclear-powered subs that have far greater speed, range and firepower.

However, the mostly civilian audience heard Rear Adm. John H. Maurer, commander of the base and a World War II submarine skipper himself, hold out hope that "the possibilities for future naval vessels (at Key West) are not necessarily foreclosed."

The base, he said, "will continue to occupy an important geographical location."

Merriken, whose sub had never fired a torpedo in anger despite being named after a vessel whose squadron sank 96 ships off South Florida during World War II, greeted the Amberjack's new crew in Portuguese.

"I am very happy," he told Brazilian Capt. De Fragata Silva Castro and his crew, "that the ship I have been so proud of will not die today, but will live on under your care and guidance."

Replied Rear Adm. Ramon Labarthe, Brazilian naval attache from Washington, "Friendship is stronger between submarine people."

The Amberjack, the sixth U.S. sub turned over to the Brazilian Navy, will sail to Philadelphia for repairs before heading for her new home port. Asked what his country needed with submarines, a Brazilian officer replied, "We have a large coastline to take care of."

Wednesday's ceremonies marked the end of a 150-year era that saw "The Gibraltar of the Gulf," as Key West was once termed, serve as port for thousands of vessels that swept into her harbor under both sail and steam.

And though the area's economic loss will be more than offset by the arrival of Reconnaissance Attack Wing One early next year at nearby Boca Chica Naval Air Station, the psychological blow to a city whose history is so intertwined with the Navy is harder to measure.

"It's a nostalgic thing," says Mayor Charles (Sonny) McCoy of the prospect of a naval station without ships. But respect for the past has not prevented the City Commission from mounting a determined effort—complete with an updated master plan that will evaluate the uses of the property—to latch on to the station when it is closed.

If that happens, the dream of some Navy officers that America's southernmost naval base will once again assume its role of guardian of the Caribbean seems unlikely to materialize, despite the island's strategic location.

It was that location that first attracted Commodore David Porter, the venturesome commander of the West Indian Squadron assigned to rid the area of pirates. A man whose buccaneering instincts matched those of the "brethren of the coast" he fought, Porter spent two years chasing the pirates across salt water flats in shallow-bottomed boats and an old ferryboat he brought from New York.

Terming Key West, which at that time was unconnected to the mainland, the "Gibraltar of the Gulf," Porter convinced Secretary of the Navy Smith Thompson to establish a depot on the Key. On April 3, 1823, Porter and a contingent of Marines landed to do just that. The Navy had come to stay.

It was not until 1844, however, that architect Robert Mills, a protege of Thomas Jefferson and the man who designed the Washington Monument, was selected to

design the base's first permanent building, a hospital. In 1943, the facility was converted to quarters for WAVEs.

In 1856 "Building 1," which today is headquarters for the U.S. Coast Guard station, was built, and the base continued to grow as the nation plunged into Civil War.

Though most islanders were Confederate sympathizers, Key West was the only Southern port that remained in Union hands during the war.

As the most active port of the period, Key West saw 300 captured blockade runners hauled in to anchor under the guns of Fort Taylor in addition to hosting Union warships.

Though activity at the base slumped with the end of the war in 1865, Key West by 1890 had swelled to 18,000 people, making it Florida's largest city. And as the Hearst newspaper empire to the north signaled the onset of the Spanish-American War, the naval base again began to fill up with warships and men.

In fact, one of the first shots of the war was fired just offshore by the USS Nashville, which sent a shell across the bow of the Spanish steamer Buena Ventura. Ignorant of the newly declared war, the captain raised his flag—and promptly became the first captain taken prisoner.

Sitting just 90 miles off Cuba the station was briefly the home of the entire U.S. Atlantic Fleet and was considered the most important in the nation. Many of the dead crewmembers of the battleship USS Maine, which mysteriously exploded in Havana harbor on February 15, 1893, are buried in local cemeteries.

After the war, Key West fell back into what one naval historian termed "a state of leisure" and remained virtually dormant until 1914 and the onset of World War I. The station then became headquarters for the Seventh Naval District, with repair facilities for convoy escort vessels, while serving as home port for anti-submarine patrols.

The "war to end all wars" also brought Thomas Edison to the base to work on a "top-secret" project—developing depth charges—and saw the first submarines tie up there. This period also saw the development at the base of the Momsen Lung, the first submarine escape device, which was tested in the clear waters off the key.

By 1932, though, the station had been cut back to almost nothing, serving as home for a Navy radio station and staffed by just 17 men. There was so little activity that civilians were permitted to use Navy facilities for docking, and Pan American Airways landed its seaplanes in the submarine basin.

But by September, 1939, the station was again closed to civilian traffic as America prepared for World War II. And the next few years saw the greatest activity in the base's history, as more than 14,000 ships logged into the port and shore strength surged to as many as 15,000 men at one time.

The end of the war saw Key West again decline in size, though not in publicity, for it became one of President Harry Truman's favorite vacation spots. Truman stayed at Quarters "A" on the base 11 times. It became known as "The Little White House" and, unlike President Nixon's two vacation homes today, is still the property of the Navy.

October 1962 saw the station again achieve front page prominence during the week long Cuban missile crisis. President John F. Kennedy and British Prime Minister Harold MacMillan conferred on the Key about the crisis while Navy ships were dispatched to quarantine Castro's island.

Since then, however, the base has steadily declined in size, influence and prestige. In recent years, it has been almost exclusively a submarine port, home of the Fleet Sonar School as well as Submarine Division 12, the last of the all-diesel powered sub divisions in the Atlantic Fleet.

And today, with diesel-powered subs rapidly going the way of the Caribbean buccaneer, "The Gibraltar of the Gulf" is an unneeded anachronism.

[From the Key West Citizen, Oct. 16, 1973]

END OF AN ERA: LAST KEY WEST-BASED SUBMARINE TO GO

The USS Amberjack (SS–522), the Navy's last operating diesel submarine, commissioned in 1946, will be decommissioned tomorrow afternoon at the submarine base and turned over to the Brazilian Navy. Her departure will mark the end of nearly 33 years of submarine service in Key West.

Since its beginning in Key West as Submarine Squadron 12 in December, 1940, the sub base here has been assigned more than 50 submarines and two tenders, the USS Gilmore and the USS Bushnell.

The squadron was credited with sinking 96 enemy ships during WW II, totaling more than 400,000 tons. Only one submarine was lost in action.

Submarine activity in Key West began with the assignment of three subs to provide service to the Fleet Sound School. By September, 1941, SubDiv 12 totaled seven new R-Class boats which served as training ships until the outbreak of the war.

After WW II, all seven subs had either been decommissioned in Key West or ordered to Philadelphia for that purpose.

Submarine Squadron 12 was dissolved in 1945 after Japan surrendered, but was reorganized on July 1, 1952, in Key West. The subs participated regularly in Fleet exercises, deployments to the Mediterranean, operations with NATO and with the Atlantic Fleet Training Group in Guantanamo, Cuba.

Squadron 12 was officially decommissioned here in June.

The Amberjack, the last submarine assigned to Squadron 12 still remaining in Key West, is the third vessel to be decommissioned here this month. Earlier, the USS Tirante (SS–420) and the USS Kretchmer (DER–329) were decommissioned.

The decommissioning ceremony of the Amberjack, delayed for several days so that the Brazilian Naval Attache to the United States, Rear Admiral Ramon Gomes Leite Labarthe, could be present to accept the sub for his country, is set for 2 p.m. tomorrow at the sub base.

The USS Amberjack was commissioned in March, 1946 and joined the fleet immediately after WW II. She took the name of the first Amberjack (SS–219) which, during WW II sank or damaged more than 40,000 tons of enemy shipping before being sunk herself in 1943.

Amberjack was converted to a guppy type sub in 1952 and joined Submarine Squadron 4, then headquartered in Key West. In the same year, when Squadron 4 was transferred to Charleston, the sub was transferred to Squadron 12, which remained in Key West until its decommissioning this year.

In addition to many cruises to the Mediterranean area, the Amberjack attained notoriety by being the first American submarine to visit the port of Tunisia. She was recently called into action during the Sea-Link rescue operation in which the Navy assisted in a rescue attempt of an oceanographic submarine trapped wreckage in the Gulf of Mexico.

While the decommissioning marks the end of an era in Key West, the Navy, also sees the event as an historic occasion. With the passing of the Amberjack the U.S. Navy submarine service will be comprised entirely of nuclear powered ships.

NEW HOPE FOR U.S. LATIN AMERICAN POLICY

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, one of the United States' most astute observers of inter-American relations is Mr. Milan B. Skacel, president of the Chamber of Commerce of Latin America in the United States. In Mr. Skacel's October monthly letter to the chamber's membership, he comments favorably on Secretary of State Henry Kissinger's recent expressions of interest in improving hemisphere relations. I am certain that Mr. Skacel's comments on Dr. Kissinger's efforts to improve relations and on our own often contradictory attitudes toward developments in Latin America will be of great interest to all Members of Congress:

A POLICY FOR LATIN AMERICA

(By Milan B. Skacel)

NEW YORK, October 1973.—One of the best kept secrets in these days of leaks and confessions is that the United States has no comprehensive policy for Latin America. The main reason for discretion has little to do with national security considerations. The sad fact is that few people seem to care, one way or the other.

Official Washington, however, now seems determined to risk intruding on America's preoccupation with inflation and football, and help us rediscover the existence of our neighbors south of the Rio Grande. There is no danger of raising the consciousness of the American public to a level of acute concern. After all, Latin America has been there for a long time, and treating it in a parenthetical manner has become accepted practice. Yet even a modest initiative is worthy of note.

The new Secretary of State, Dr. Henry Kissinger, has taken a step in the direction of closer hemispheric cooperation when he recently called on Latin American governments to join with the U.S. in a "new dialogue" that would reexamine the basic structure of U.S.-Latin American relations.

"We in the United States will approach this dialogue with an open mind," Dr. Kissinger said. "We do not believe that any institution or any treaty arrangement is beyond examination."

The Kissinger address to Latin American foreign ministers and ambassadors has been interpreted as a major effort by the Nixon Administration to work out a fresh approach to the problems in the Hemisphere. The Secretary of State also has revived the old concept of amity based on mutual needs.

"If the technically advanced nations can ever cooperate with the developing nations," he said, "then it must start here in the Western Hemisphere."

RHETORIC AND REALITY

Dr. Kissinger's remarks have generally been well received, and understandably so. Latin Americans have long felt that the U.S., concerned with Asia and Europe, has lost interest in closer hemispheric ties. Moreover, the Nixon-Kissinger "grand design" of five equidistant powers seemingly has left Latin America to fend for itself—relegated to the periphery of the global struggle for influence and recognition. This apprehension has not been laid to rest, but the U.S. initiative in reopening the door to a more vigorous, possibly fruitful, interchange of views and ideas is doubtless welcome.

It is of prime importance, however, to retain perspective and avoid wishful thinking. The Alliance for Progress, for example, also had been hailed as a milestone in hemispheric relations, but rhetorical overkill and unrealistic expectations soon helped turn this promising venture into a point of contention between the U.S. and the Latin American republics. The irresponsible claim that Latin America could be "transformed" within a decade into an economically viable and socially less stratified area exploded in the faces of overoptimistic theoreticians, and the attendant letdown soured the public and many dedicated inter-Americanists on grandiose schemes of any kind.

Today, in trying to open up new vistas in U.S.-Latin American relations, unpleasant home truths must be faced, persistent myths debunked, and pet dogmas exposed and discarded.

It is, of course, always fashionable, and safe, to contend that the U.S. should confine its support and friendship to the "democratic forces" in Latin America. But what is "democratic"? If a regime is deemed to be "democratic" when its policies and actions reflect the wishes, and enjoy the support, of a majority, then both the rightwing Brazilian government and the left-oriented government of Peru probably qualify. Yet neither has come to power by constitutional means—another requisite for a regime to be considered "democratic."

If we are searching for "democratic forces" that would be willing and interested in introducing in their respective countries a form of government based on the U.S. model, then we are guilty of rank hypocrisy. We tried exporting our brand of democracy in the late 1940's and the 1950's, and failed. It did not take root in climates vastly different from our own, nor were the putative recipients persuaded that it suited their needs and national aspirations. If today, after more than three decades of try to ram down other people's throats the idea that our type of government is "best" for everybody and anybody, we were to extend our friendship only to those whose system of government meets our criteria, America would be lonely indeed.

No one can, or should, expect the United States to cease opposing, at least in principle, totalitarianism of any kind. We cannot do otherwise, if we wish to preserve our self-respect and the ideals the country was founded upon. Yet neither must we allow our individual political or ideological preferences to warp our judgment and sense of fair play.

There are those, for example, who now argue that the repression in the People's Republic of China has been necessary to unify the country and accelerate its economic and social development. The same people, however, inveigh against military rule in Latin America, although the military, too, contends that only a "strong" government—divorced from politicking and ideological confrontation—can plan and implement meaningful economic growth in parts of Latin America.

The issue is not whether these are compelling arguments, or merely a rationale for a takeover. The issue is rather who or what makes us Americans so "wise" and "superior" as to know best what system of government will, or will not, work for another country. Surely our own domestic problems of the past 15 years should have taught us to shun absolute judgments and question our "infallibility."

We simply cannot have it both ways. On the one hand, we often deplore Latin America's lack of determination and forcefulness in charting its future; on the other, we cling to the old role of a tutor who feels duty bound to tell its pupils exactly what to do, and how to do it. If we really want the Latin American countries to become our equal partners, has not the time come to treat them as adults, and let each country develop and live under a system of government that suits its needs—rather than one that conforms to our preferences?

At the same time, however, our Latin American friends would be well advised to temper the compulsive Yankee-baiting that has become a national pasttime in several Latin American countries. Finding a ready whipping boy is a time-honored diversionary tactic, but, in the long run, it is conducive neither to helping resolve deep-seated internal problems, nor to laying the groundwork to genuine partnership based on respect and tolerance.

Secretary of State Kissinger's address, it is hoped, may mark the begining of a new, more realistic period in U.S.-Latin American relations. The question now is whether all parties can forget about old wounds, discard counterproductive stereotypes, and help translate lofty rhetoric into reality.

CALL FOR WORLD CONFERENCE ON ENERGY CRISIS

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, I am today introducing legislation calling on the President to initiate action necessary for the convening of a World Energy Conference at the soonest practicable date. While the recent action by Arab oil-producing nations to cut back production and to boycott American markets and other nations sympathetic to Israel has focused increased attention on the need for international cooperation to assess and meet energy needs, the need for concerted action is far greater than simply as a response to this political and economic pressure.

It has become increasingly clear that present energy sources are insufficient for the long-term continued economic growth and prosperity of people throughout the world. And the consequences of substantial reliance, particularly by the United States, on a single energy resource which is subject to political manipulation clearly point to the need to develop economical alternative sources. In my judgment, the severity of these problems demands the collective research capability and know-how of all nations.

The present world situation would best be served by an immediate World Energy Crisis Conference for the purpose of discussing: the ramifications of the decision by certain oil-producing nations to reduce production; immediate steps, including self-imposed rationing, to counter those ramifications and to reduce dependence on Near East oil supplies; and the possibility of large-scale joint research projects on alternative energy sources.

At that emergency meeting plans for a long-term Energy Resources Conference should be considered. Such a long-term conference would be convened for the purpose of: exploring new ways to promote world energy planning; reviewing the world's energy requirements and resources; expanding and coordinating worldwide research into energy conservation and the development of new sources of energy; establishing a plan for world cooperation in the fair allocation of energy resources whenever unexpected disturbances threaten ordinary patterns of energy allocation; and exploring the implications for the world's ecology of project patterns of energy use through the end of the century.

A long-term joint study of all aspects of energy needs and sources would have important implications for all nations of the world. There must be recognition of the scope of world energy needs and development of coordinated actions to meet those needs without endangering economic growth or the environment. All contingencies must be studied and programs developed to meet all situations.

While our goal has been to achieve independence in meeting our energy requirements, I feel that the necessity for interdependence among all nations is growing. The pervasive nature of this crisis demands decisive, concerted international cooperation, and I am hopeful the international conference which I propose will be held in the near future.

PROVIDING FOR APPOINTMENT OF SPECIAL PROSECUTOR

(Mr. CULVER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CULVER. Mr. Speaker, this bill is not intended as a substitute for impeachment, but as a responsible first step to deal with immediately pressing problems. The bill would:

Assure the integrity of the special prosecutor's staff and records pending the appointment of a successor;

Authorize Judge Sirica—or a successor chief judge—to appoint a new special prosecutor;

Encourage the judge to disqualify himself from sitting on any cases brought by his appointee;

Incorporate in statute law the guidelines for the special prosecutor's independence presented to the Senate Judiciary Committee last spring;

Give the special prosecutor independent authority to collect and safeguard evidence, with the FBI reporting to him for this purpose;

Extend the life of the grand jury which is scheduled to expire on December 5, 1973; and

Authorize the necessary funding for the activities of the special prosecutor.

The bill follows:

H.J. RES. —

Joint resolution to provide for the appointment of a Special Prosecutor, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the Special Prosecution Conservancy Act of 1973.

SEC. 2. The Chief Judge of the United States District Court for the District of Columbia is vested with supervisory jurisdiction to issue and enforce all orders necessary and appropriate to insure the integrity and inviolability of all files, notes, correspondence, memoranda, documents, physical evidence, and other records and work product compiled, obtained or otherwise produced and maintained by the Office of Special

Prosecutor from the date of assumption of that office on May 24, 1973 until the appointment of a successor Special Prosecutor pursuant to Section 3 of this Act.

SEC. 3. The Chief Judge of the United States District Court for the District of Columbia is vested with authority to appoint a Special Prosecutor for the purposes and with the powers set forth in this Act, and to replace said officer only for extraordinary improprieties in the exercise of his responsibilities as an officer of the court.

SEC. 4. The Chief Judge of the United States District Court for the District of Columbia, after making an appointment or reappointment pursuant to Section 3 of this Act, shall be expected to excuse himself from presiding over or otherwise participating in any prosecution or other judicial proceeding arising out of the exercise of responsibilities by a Special Prosecutor appointed by him.

SEC. 5. The Special Prosecutor appointed pursuant to this Act may, without regard to the laws relating to the competitive service, appoint or reappoint such permanent or temporary staff at such salaries (not to exceed the rate of $36,000 per annum) as may be necessary to assist in the exercise of his responsibilities, and may for that same purpose make use of necessary support services and facilities at Government expense. The United States Department of Justice is authorized and directed to pay the salaries and expenses of the Office of Special Prosecutor hereunder, including any that may have accrued and remain unpaid since October 20, 1973, all from its general funds including contingency funds. Notwithstanding any other provision of law, any impounding or withholding or other impediment to the provision of such funds shall be unlawful.

SEC. 6. Anything in the laws of the United States regarding the authority and responsibilities of the Attorney General or of the several United States Attorneys to the contrary notwithstanding, the Special Prosecutor shall have exclusive authority and responsibility on behalf of the United States of America to conduct all grand jury presentments and all other criminal proceedings, including without limitation the initiation and conduct of prosecutions, the framing and signing of indictments and the filing of informations, and all pre-trial and post-trial motions, orders, trials, appeals, petitions, and other processes (whether initiated before or after his assumption of duties) in all Federal courts including the Supreme Court of the United States, arising out of any or all of the following acts or transactions:

(1) all offenses arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate.

(2) all offenses arising out of the 1972 Presidential election for which the Special Prosecutor deems it necessary and appropriate to assume responsibility.

(3) allegations of criminal offenses involving the President, members of the White House staff, or other Presidential appointees.

(4) other matters previously being conducted by the Special Prosecutor who assumed office on May 24, 1973, whether on his own motion or on delegation from the Attorney General, and

(5) such new matters, bearing a proximate relation to the foregoing, as the Chief Judge of the United States District Court for the District of Columbia may deem appropriate for assignment to the Special Prosecutor, and which the Special Prosecutor consents to accept.

SEC. 7. The Special Prosecutor shall have full access to and use of the material described in section 2 of this Act, and shall have power throughout the territory of the United States to compel the production of testimonial and documentary or physical evidence relating to any or all of the subject matter described in section 6 of this Act. In particular, and without limiting the generality of the foregoing, the Special Prosecutor shall have full power to—

(1) determine whether and how far to contest the assertion of "executive privilege" or any other testimonial or evidentiary privilege;

(2) determine whether or not application should be made to any Federal court for a grant of total or partial immunity to any witness, consistently with applicable statutory standards, or for other warrants, subpoenas, or other court orders including an order of contempt of court;

(3) issue instructions to the Federal Bureau of Investigation and other domestic investigative agencies for the collection and delivery solely to the Special Prosecutor of information and evidence bearing on matters within the jurisdiction of the Special Prosecutor, and for safeguarding the integrity and inviolability of all files, notes, correspondence, memoranda, documents, physical evidence, and other records and work product compiled, obtained or otherwise produced and maintained by the Office of Special Prosecutor; and

(4) decide whether or not to prosecute any person and how to conduct and argue any appeals or petitions arising out of his prosecutorial activities.

SEC. 8. All offices, departments, and agencies of the Federal government shall cooperate fully with all lawful requests by the Special Prosecutor for information and assistance. In particular, the Department of Justice shall assign to the temporary supervision and control of the Special Prosecutor such personnel as he may reasonably require.

SEC. 9. The Special Prosecutor shall have the authority and responsibility to deal with and appear before Congressional committees having jurisdiction over any aspect of the matters covered by this Act, and to provide such information, documents and other evidence as may be necessary and appropriate to enable any such committee to exercise its authorized responsibilities.

SEC. 10. (a) Notwithstanding any provision of rule 6(g) of the Federal Rules of Criminal Procedure, or any other law, rule, or regulation—

(1) the United States District Court for the District of Columbia is authorized to extend the term of the grand jury of that court which was impaneled on June 5, 1972, for an additional period of six months, if the court determines that the business of that grand jury has not been completed at the expiration of the term otherwise provided by law;

(2) the United States District Court for the District of Columbia is authorized further to extend the term of that grand jury for additional periods of six months, if the court determines that the business of that grand jury has not been completed at the end of any six-month term as extended under this section, but the term shall not be extended more than 36 months under paragraphs (1) and (2); and

(3) during any period of extension under this Act, the grand jury shall have the powers and duties of a grand jury during its regular term.

(b) With respect to any failure to extend the term of the grand jury under this section, the grand jury shall be considered a special grand jury, and the failure to extend shall be considered a failure to extend under section 3331(b) of title 18 of the United States Code.

SEC. 11. The Special Prosecutor may from time to time make public such statements or reports, not inconsistent with the rights of any accused or convicted persons, as he deems appropriate; and he shall upon completion of his assignment submit a final report to the Chief Judge of the United States District Court for the District of Columbia and to the Speaker of the House of Representatives and to the President Pro Tempore of the Senate.

SEC. 12. The Special Prosecutor shall carry out his responsibilities under this Act until such time as, in his judgment, he has completed them or until a date mutually agreed upon between the Chief Judge for the United States District Court for the District of Columbia and himself.

SEC. 13. There is authorized to be appropriated to the Office of Special Prosecutor hereunder such sums as may be necessary to carry out the purposes of this Act.

SEC. 14. The invalidity of any portion of this Act shall not affect any other portions thereof, which shall remain in full force and effect.

SEC. 15. The Congress declares that the faithful execution of the provisions and purposes of this Act, and the noninterference therewith, is a matter of the highest public trust.

Mr. Speaker, at this point I also include the following list of 83 Members who are cosponsoring this legislation:

Ms. Abzug, Mr. Addabbo, Mr. Anderson, Mr. Ashley, Mr. Aspin, Mr. Badillo, Mr. Bergland, Mr. Bingham, Mr. Blatnik, Mr. Boland, Mr. Brown of Michigan.

Mr. Brademas, Mr. Burton, Mr. Breckinridge, Mr. Carney, Mrs. Chisholm, Mr. Clay, Mr. Cotter, Mr. Danielson, Mr. Dellums.

Mr. Eckhardt, Mr. Edwards, Mr. Evans, Mr. Fascell, Mr. Fauntroy, Mr. Foley, Mr. William D. Ford, Mr. Fraser.

Mr. Giaimo, Mrs. Grasso, Mr. Gunter, Mr. Hamilton, Mr. Hanley, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia.

Mr. Helstoski, Mr. Hicks, Mrs. Holtzman, Mr. Howard, Mr. Jordan.

Mr. Karth, Mr. Koch, Mr. Leggett, Mr. McCormack, Mr. Matsunaga, Mr. Melcher, Mr. Metcalfe, Mr. Mezvinsky, Mr. Mitchell, Mr. Moakley, Mr. Mollohan, Mr. Nedzi, Mr. Obey.

Mr. O'Hara, Mr. Owens, Mr. Pepper, Mr. Pike, Mr. Podell, Mr. Rees, Mr. Reid, Mr. Rooney, of Pennsylvania, Mr. Rosenthal, Mr. Roush, Mr. Roy, Mr. Roybal.

Mr. Sarbanes, Mrs. Schroeder, Mr. Seiberling, Mr. Sisk, Mr. Smith of Iowa, Mr. Stark, Mr. Stokes, Mr. Symington, Mr. St Germain, Mr. Thompson, Mr. Tiernan, Mr. Udall, Mr. Waldie, Mr. Wilson of California, Mr. Wolff, Mr. Yates, Mr. Young of Georgia.

Mr. Speaker, the agreement reached between former Attorney General Richardson and the Senate Judiciary Committee, whereby a special prosecutor was appointed and endowed with carefully enumerated authority to conduct an independent prosecution of offenses arising out of or related to the 1972 Presidential campaign, embodied a recognition of a conflict of interest in these extraordinary proceedings between the Executive as prosecutor and the Executive as potential defendant. That conflict of interest persisted and provoked the discharge and resignations of Special Prosecutor Cox, Attorney General Richardson, and Deputy Attorney General Ruckelshaus.

In the wake of these departures, there are pending indictments and criminal investigations involving a number of former high Federal officials other than the President himself. These officials, being no longer in office, are not subject to impeachment power of the House. Information and evidence bearing on their guilt or innocence remains in the possession of the President. The President's actions in removing from office Justice Department officials who disagree with

his treatment of this information and evidence shows that the Department has been deprived of the capacity to conduct an independent prosecution. At the present time, it is this Department that has succeeded to custodial responsibility for the staff and work product of the special prosecutor.

It is imperative to assure the integrity and independence of these resources. For this purpose a special prosecutor independent of control by the Executive is required. The proposed Special Prosecutor Conservancy Act would assign the supervisory and appointive powers necessary to this task to the chief judge of the U.S. District Court for the District of Columbia.

This action would join together the sum of the constitutional authorities possessed by the legislative and judicial branches. The Federal judiciary has inherent as well as statutory authority to effectuate its orders and to preserve the integrity of pending grand jury and other judicial processes. It may as one analogy appoint trustees in bankruptcy to conserve assets in contention before a court. The Congress has the appropriations power and the "necessary and proper" clause to make the constitutional system work. In addition under article II the Congress may by law "vest the appointment of such inferior officers, as they think proper—in the courts of law." From sources of authority such as these, and in the extraordinary circumstances of the day, it is reasonable to conclude that the Congress and the courts together have power adequate to endow with the requisite authority an independent special prosecutor.

There is to be sure no Federal precedent directly in point, just as there is no precedent for the constitutional confrontation that makes this action necessary. In the Teapot Dome scandal, an independent prosecution was established by the usual process of legislation confirming the appointive authority on the President, by and with the advice and consent of the Senate. But President Harding was by then no longer in office, and no conflict of interest afflicted his successor.

At least one of our States has dealt by law with this situation in a manner comparable to that proposed in the Special Prosecution Conservancy Act. In Illinois, when a prosecution affects the interests of the officials who would normally conduct the prosecution, the presiding judge has authority to appoint a special prosecutor; it was pursuant to this law that Attorney Banabas Sears was appointed to conduct the prosecution of Chicago State's Attorney Hanrahan.

Present Federal law also supports the appropriateness of such an appointment; 28 United States Code section 546 empowers a district court to appoint a U.S. Attorney to fill a vacancy in that office. This statute has been on the books, and appointments have been made under its authority, at least since 1898.

Beyond the appointment question is the question of combining administrative and adjudicative functions in the same affair. It could well offend due process of law for a judge who has appointed a prosecutor to sit in judgment on a cause involving that prosecutor. The judiciary is of course itself habitually alive to such consideration. For this reason, the proposed act sets forth Congress expectation that the appointive judge would excuse himself from participating in such cases.

There is a possibility that the President would claim continuing authority to direct the exercise of the special prosecutor's responsibilities, or to discharge him, or to direct Federal marshals to refrain from executing court orders. Section 15 of the proposed act would emphasize the seriousness of any such action by declaring the faithful execution of the purposes of the act, and the noninterference therewith, to be "a matter of the highest public trust."

LET'S TAKE TIME TO GET THE FACTS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, no man can be above the law. The question is has the President placed himself above the law. He failed to comply in full with the court orders on the Watergate tapes. This controversy brought on the firing of Archibald Cox and the resignations of Attorney General Richardson and Deputy Attorney General Ruckelshaus. On the surface it looks as if the President has made a serious mistake; one which has brought on his deepest crisis.

There are widespread demands for impeachment, but impeachment of a President is a traumatic process which can tear a nation apart. It should be resorted to only when there is clear evidence of gross wrongdoing. We do not have all the facts, and we need facts, not controversy. America has had too much of controversy. Internal dissension is beating our country to its knees. Congress should move quickly to get the facts, then decide what course of action is proper.

IRAN'S ACCEPTANCE OF RESPONSIBILITY ON PEACEKEEPING IN VIETNAM

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, little public note has been taken of the recent entry of Iran into the peacekeeping force in Vietnam. Congress and the American people have reason to be grateful to this staunch friend of freedom.

It was disappointing when Canada threw up its hands and left the International Commission for Control and Supervision in Vietnam. Few have been surprised that the Communist-oriented nations in this force have been far from cooperative. Their zeal for the Viet Cong and North Vietnamese have made the mission of the Commission exceedingly difficult. A new, strong voice was needed for the peace keeping body.

Iran was selected as a proper choice to fill the vacancy created by Canada and Iran unhesitatingly accepted the responsibility. Here is a nation of peace-loving people. It has been a true friend of the United States. It knows the horrors of war and the value of peace.

The Government of Iran, in announcing its decision to step into the void in Vietnam, did so with the full knowledge it would not be an easy task. At best, the peace there is fragile, but Iran knows that, when it comes to working for peace, even limited success is better than no success at all.

I have met and talked with many of the leaders of the Iranian Government. I gained clear impression that Iran recognizes its responsibility to the community of nations. Iran has emerged as a strong leader in that part of the world; it has done great things for its own people, and is dedicated to the principles of peace, freedom, and progress.

The world needs the leadership which Iran provides. Iran asks for nothing except to be an integral pat of the free world. It does not engage in a policy of harassing its neighbors.

Truly Iran has demonstrated its friendship to the United States. The people of America should be proud of our relations with Iran and we should all be grateful this outstanding nation is on duty in Vietnam to do what it can to keep alive the flame of peace which flickers there.

Beyond doubt, Iran's role as a peacekeeper will bring credit to its people and its government.

ON IMPEACHMENT

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, it is with a sense of overwhelming responsibility and sadness that I urge the President to resign and that I join with other Members in cosponsoring a resolution to initiate impeachment proceedings. Over the course of the last year I have been importuned by constituents to sponsor impeachment resolutions and have declined to do so because I believed such proceedings to be premature if initiated prior to the report of the Ervin committee. I advised those who wrote to me that the report of the Ervin committee was essential if impeachment proceedings were to have any real meaning and garner the support of the necessary number of Members of this House to pass such a resolution, and not simply be an idle gesture in a matter involving such grave consequences for the country.

As the result of the President's action over the weekend and in particular the President's indication of his apparent intention to avoid an order of the U.S. district court to produce for the inspection by the Chief Judge of the U.S. District Court for the District of Columbia certain tapes, documents, and other materials requested by Special Prosecutor Archibald Cox, relating to the break-in of the Democratic Headquarters on June 17, 1972, I believe that Members of Congress have no alternative but to initiate proceedings at this time.

This is a government of laws, not of men. The President like all citizens of

this country, is subject to those laws. He is not above the law. He is the President, not the emperor. It is not too late for the President to reconsider his action and to comply with the order of the U.S. district court and I urge him to do so.

This is not a time to be unreasonable or vindictive. Too much unreason and spite has already been employed by the White House. Their contempt for honesty and fairness cannot become the prevailing attitude in Congress for resolving this crisis. Too much is at stake.

But at the present time, we have a President who by his own actions has so undermined the public trust in his office that his capacity to govern is in serious question. And we have no Vice President yet to replace him. Furthermore, there is no longer any special prosecutor with full authority and complete independence to pursue the Watergate investigation with all its menacing ramifications.

We will not avoid this crisis by pretending with the White House that one does not exist. For if the Congress were to accede to half-measures which permit the President to defy the courts and limit the investigation, then the public's trust in the legislative branch would be undermined as well.

We must not pursue a popular course of action because it is politically self-serving. We must not pursue a partisan course of action because it is politically expedient. We must pursue a course of action that considers impeachment on legitimate grounds, that respects the civil liberties of every citizen including the President and that once and for all guarantees the American people the right to a full and fair inquiry of all Watergate-related matters.

The Congress must appoint an independent prosecutor to carry out the investigation started by Archibald Cox. Indeed it would be helpful if it were Cox himself. It is clear that we no longer can rely on a Justice Department appointee to pursue an investigation free of pressure and limitations imposed by the very persons that are being investigated.

In taking these initiatives we cannot be certain that we will redeem the damage already done. But our "democratic experiment," almost two centuries old and now in such grave jeopardy, gives to this Congress an unprecedented burden and opportunity. If our American constitutional system fails to work now, we will have repudiated our past and lost our future.

VETERANS INFORMATION DAY

(Mr. HAMMERSCHMIDT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, I am pleased to announce that tomorrow, October 24 from 10 a.m. to 5 p.m., a Veterans Information Day for Members of Congress will be held in room S207 of the Capitol. The National Committee, Jobs for Veterans, in cooperation with the other Government committees and agencies concerned with veterans is sponsoring the event.

James F. Oates, Jr., national chairman of Jobs for Veterans, will be on hand to greet our honored guests, former POW's and disabled veterans of the war in Vietnam, and the Members of Congress. Our former colleague, Bill Ayres, hopes that everyone will take advantage of this excellent opportunity to show their interest and concern for our returning veterans. This is a rare chance to get the latest information on how the laws which we've passed are taking effect at the local level.

I am sure you will find it worth your while to stop by room S207 in the course of the day. If you cannot make it, please send someone from your staff.

A CASE FOR ACCOUNTABILITY

(Mr. HANNA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, the events of this past weekend emphasize the intensity and dimensions of the fundamental question forcing itself upon the people and the Congress. The question is what accountability is there in the office of the Presidency short of the election procedure. I cannot answer this question for every man. For myself, the answer is clear and lies in two parts. First, the President is accountable to the judiciary if one believes in and supports two simple, but powerful precepts that this is a government of laws, not men and that all men are equal under the law. Second, in the event these simple precepts are thwarted either by the guise of separation of powers or under a plea of the transcendence of national security, then we are faced with the constitutional proviso for impeachment proceedings. The Founding Fathers were all too familiar with the penchant of executives by whatever name—King or President—toward the abuse of power. Aware, as they so painfully were, of the weaknesses of the flesh that pervade all living men, they provided the ultimate court for the determination of responsible and responsive leadership in all Federal offices, including the Presidency. They included impeachment in the Constitution as a procedure to test stewardship of office.

We are not faced with Watergate, the tapes, personalities such as Cox or others, but with the solemn question of the accountability of the President. Remember that in the procedure of impeachment, what is tested is the stewardship of the occupant of the office, not the viability nor integrity of the office itself. The strength of our institutions rests on the effectiveness of the passage of power under the conditions prescribed and ordained in the Constitution. Up to now all the tests of the viability of this system and the laws which govern the retention and passage of power have been met and passed.

For this representative of the people, the question of accountability of the President of the United States, does at this time warrant a serious and sober consideration of the procedure for impeachment. I come to this determination from two basic conclusions: First, that the question of accountability has on the available evidence reached proportions both in substance and in procedural posture which dictate a decision by the process of impeachment; and second, because I sincerely and earnestly believe that a thorough investigation of the relevant questions is essential to assure that this ultimate and unusual last political resort for accountability be not lightly nor erroneously employed.

Mr. Speaker, some Members of the Congress will no doubt say that if the President now delivers the tapes and documents to the court that any discussion of impeachment should cease. I disagree. The fact that the American people will by their outcry of calls and telegrams have brought Richard Nixon kicking and screaming before the bar of justice is no credit to Mr. Nixon. The fact remains that he was prepared to defy the law as long as he could get away with it.

The events of the past few days make it obvious that the President was willing to violate the law not as a matter of conscience or principle, but solely as a matter of tactics. This flagrant disregard for his constitutional oath to faithfully execute the laws, now more clearly than ever, raises the question of whether allegations of similar abuses of power are in fact not true or may not be repeated in the future.

I ask my colleagues to keep in mind the incisive, if simple doggerel current in some coffee houses:

> As you go through life, my brother, no matter what your goal—keep your eye upon the donut and not upon the hole.

I think it is in order here, Mr. Speaker, for us to remind ourselves that the handing over of the tapes is not the ball game. It is still incumbent upon the Congress to look at the way in which the President has handled this affair in the context of other events which suggest that the abuse of power and public confidence in this one instance was not an isolated case at all, but a part of a general pattern of abuse of power.

Let me address myself to what I find are the most cogent areas of investigation:

First. The President must be held accountable to answer fully the questions raised concerning obstruction of justice even though he has complied with this latest court order. It must be remembered that the issue of releasing the tapes arose after it became apparent that appointment of a Special Prosecutor was necessary. The premise for that appointment was that the criminal activity of the administration could reach into the Oval Office itself. Last Saturday night, the President argued that high constitutional principles necessitated his circumvention of the Special Prosecutor and his manipulation of the adversary procedure which is the very foundation of the Anglo-American system of law. But it can now be clearly seen that the President's position on the tapes was not for the protection of his office—but for the protection of his person.

Mr. Speaker, I submit that this on-again-off-again manipulation of the judicial process requires an inquiry by the Congress into whether there are grounds for holding the President ac-

countable for obstructing justice, not only in this latest series of events, but during the entire course of the various judicial and grand jury proceedings into corruption in his administration.

Second. The President must be held accountable for the caliber and quality of men selected by him to share in and to give expression to the power of his office. To be sure, all Presidents must and should be granted the concession that some error in judgment of personnel is inevitable and should be tolerated. At the same time, it must be clear that a wide and pervasive misjudgment which so invades and dominates the office as to touch and taint all who stand near and speak for the President raises a question of accountability and complicity that cannot be lightly dismissed and cannot be characterized as a predictable limitation in assessing the behavior or standards of a fellow human.

Let me just add, Mr. Speaker, that we in the House should insure that we are not tempted also to sacrifice the integrity of our own appointment procedures by subjecting the appointment of the Vice President to any unwarranted delays or partisan considerations. I am one Democrat who holds the matter of the approval of the Vice Presidential-designate as completely separate from the question of impeachment of the President.

Third. The President must be held accountable for alleged abuses of power which threaten the fabric of the civil service system .Those acting for and in the name of the President have allegedly invaded the ranks of those serving in the departments of Government, not just at the first and second level, but pervasively and have allegedly followed a practice of pressure and badgering which reached to the third and fourth levels and below. Certainly all Presidents have been and will be plagued with the frustrations which accompany the task of making the vast Federal bureaucracies responsive to their leadership. But must we also concede that this well recognized fact justifies the furtive foiling of a basic section of the existing law the President has sworn to uphold?

Fourth. The President must be held accountable for allegedly turning agencies created to serve the public into menial servants of politics. There is the legion of the SEC and Vesco, of the FTC and the dairies, of the Justice Department and ITT, of the CIA and Watergate, and of the FBI and political surveillance. Should we not review the specific evidence and explore for more?

Fifth. The President must also be held accountable for the suspicion that he has used his office to gain for himself personal compensation outside that provided by law. Let us not forget that the Constitution itself provides that the President shall receive no "other emolument" besides that set down in statute.

Mr. Speaker, this list of areas of investigation is not meant to be inclusive. The fact that the charges against the current President are so numerous itself demands that investigative proceedings by the House under its impeachment responsibilities be undertaken. It is the entire pattern of events that has been exposed—the entire pattern of falsehood, of coverup, of obstruction, of interference—which requires attention now. If some of these actions were required by national security, then let that issue be before the Committee of the Judiciary and before the House as it considers the question of laying a bill of particulars before the Senate. But let us not shrink from our duty—for that duty is all too clear.

These past abuses of power, culminating in the events of the past few days, make it imperative that the House Judiciary Committee begin to investigate the actions of the administration to determine whether or not there are sufficient grounds for impeachment, and also to recommend to the House the ground rules under which such a proceeding should be conducted. If we are to undertake this grave responsibility, we must insure that it be done in the soberest manner and with the utmost credibility. To this end, the purposes of each step we may take must be made fully explicit to the American people. They must understand that to impeach a President is not to remove him from office, but merely to bring charges against him, and that it is tantamount to bringing an indictment against someone by a grand jury. The actual determination of guilt or innocence and the removal from office is a matter before the U.S. Senate. Theirs is the task of judging the evidence relating to articles of impeachment handed down by the House of Representatives.

Mr. Speaker, the fact that this procedure has been set in motion only once in our Nation's history makes it imperative that we proceed on the basis of sober reflections and not emotion. This historic vacuum, however, should not dissuade the Congress from this undertaking.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BURKE of Florida (at the request of Mr. ARENDS), for today through October 29, on account of official business to attend the Interparliamentary Union.

Mr. BLATNIK (at the request of Mr. O'NEILL), for this week, on account of official business.

Mr. SAYLOR (at the request of Mr. GERALD R. FORD) on account of medical reasons.

Mr. STEELE (at the request of Mr. GERALD R. FORD), from October 23 to November 3, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. SISK, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. LENT) to revise and extend their remarks and include extraneous material:)

Mr. DON CLAUSEN, for 20 minutes, today.

Mr. RONCALLO of New York, for 2 minutes, today.

Mr. CLEVELAND, for 5 minutes, today.

Mr. MARAZITI, for 5 minutes, today.

Mr. KEMP, for 10 minutes, today.

Mr. FINDLEY, for 5 minutes, today.

Mr. EDWARDS of Alabama, for 5 minutes, today.

Mr. COHEN, for 5 minutes, today.

(The following Members (at the request of Mr. BRECKINRIDGE), to revise and extend their remarks, and to include extraneous matter:)

Mr. DRINAN, for 5 minutes, today.

Mr. DIGGS, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. WOLFF, for 5 minutes, today.

Mr. FUQUA, for 5 minutes, today.

Mr. ROONEY of Pennsylvania, for 5 minutes, today.

Mr. CULVER, for 15 minutes, today.

Ms. ABZUG, for 10 minutes, today.

Mr. UDALL, for 5 minutes, today.

Mr. RIEGLE, for 10 minutes, today.

Mr. BROWN of California, for 5 minutes, today.

Mr. MELCHER, for 5 minutes, today.

Mr. OWENS, for 10 minutes, today.

Mr. PODELL, for 10 minutes, today.

Miss HOLTZMAN, for 5 minutes, today.

Mr. BURTON (at the request of Mr. BRECKINRIDGE), for 5 minutes, and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the RECORD, or to revise and extend remarks was granted to:

Mr. GROSS to revise and extend his remarks and include extraneous matter immediately preceding reading of President's message.

Mrs. HECKLER of Massachusetts to revise and extend her remarks and include extraneous matter with 1-minute speeches today.

Mrs. MINK to revise and extend her remarks and include extraneous matter to be included with 1-minute speeches today.

Mr. BRECKINRIDGE to extend his remarks following those of Mr. RIEGLE.

Mr. MAHON.

(The following Members (at the request of Mr. LENT) and to include extraneous material:)

Mr. RHODES in five instances.

Mr. WIDNALL.

Mr. KETCHUM.

Mr. SEBELIUS.

Mr. MCCLOSKEY in three instances.

Mr. HORTON.

Mr. ROBISON of New York.

Mr. CARTER in three instances.

Mr. HOSMER in three instances.

Mr. BAKER.

Mr. WYMAN in two instances.

Mr. DERWINSKI in two instances.

Mr. HAMMERSCHMIDT.

Mr. MCCLORY.

Mr. CRONIN.

Mr. YOUNG of South Carolina.

Mr. GROSS.

Mr. MILLER in six instances.

Mr. MICHEL in five instances.

Mr. ZWACH.

Mr. DEL CLAWSON.

Mr. KEMP.

Mr. COHEN.
Mr. WHITEHURST in two instances.
(The following Members (at the request of Mr. BRECKINRIDGE), and to include extraneous matter:)
Mr. MCFALL.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. LONG of Maryland.
Mr. BADILLO.
Mr. DRINAN.
Mr. FASCELL in three instances.
Mr. WALDIE in three instances.
Mr. BOLAND in five instances.
Mr. HARRINGTON in five instances.
Ms. ABZUG in 10 instances.
Mr. LONG of Louisiana.
Mr. KYROS.
Mr. HAWKINS.
Mr. FLOWERS in two instances.
Mr. BRECKINRIDGE in two instances.
Mr. OBEY in three instances.
Mr. ZABLOCKI in two instances.
Mr. BIAGGI in five instances.
Mr. CARNEY of Ohio in two instances.
Mr. ANDERSON of California in two instances.
Mr. HUNGATE.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 689. An act to amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collection.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did October 18, 1973, present to the President, for his approval a bill of the House of the following title:

H.R. 9590. Making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1974, and for other purposes.

ADJOURNMENT

Mr. BRECKINRIDGE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock p.m.) the House adjourned until tomorrow, Wednesday, October 24, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1465. A communication from the President of the United States, transmitting amendments to the request for appropriations in the budget for fiscal year 1974 for emergency security assistance for Israel and Cambodia (H. Doc. No. 93–168); to the Committee on Appropriations and ordered to be printed.

1466. A communication from the President of the United States, transmitting an amendment to the request for appropriations in the budget for fiscal year 1974 for foreign assistance to Pakistan, Sahelian Africa, and Nicaragua (H. Doc. No. 93–169); to the Committee on Appropriations and ordered to be printed.

1467. A communication from the President of the United States, transmitting notice of his intention to waive the restriction of section 620(m) of the Foreign Assistance Act of 1961, as amended, as it applies to military assistance for fiscal year 1974 to Portugal, pursuant to section 652 of the act; to the Committee on Foreign Affairs.

1468. A letter from the Assistant Secretary of Defense, transmitting a report that no use was made during the period January 1 to June 30, 1973, of funds appropriated in the Department of Defense Appropriation Act, 1973, or the Military Construction Appropriation Act, 1973, to make payments under contracts for any program, project, or activity in a foreign country except where it was determined that the use of currencies of such country acquired pursuant to law was not feasible; to the Committee on Appropriations.

1469. A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting a report of the facts concerning a Department of the Navy shore establishment realinement action at the Construction Battalion Center, Davisville, R.I., pursuant to section 613 of Public Law 89–568; to the Committee on Armed Services.

1470. A letter from the Under Secretary of Agriculture, transmitting a statement of Departmental views on S. 2482, a bill to amend the Small Business Act; to the Committee on Banking and Currency.

1471. A letter from the Acting Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the continued provision of accommodations, facilities, and services for the public within the Ross Lake National Recreation Area, Wash., during a period ending December 31, 1988, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

1472. A letter from the Chairman, Indian Claims Commission, transmitting the final determination of the Commission in docket No. 198, *the Confederated Tribes of the Warm Springs Reservation of Oregon*, plaintiff, v. *the United States of America*, defendant, pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

1473. A letter from the Vice President for Public and Government Affairs, National Railroad Passenger Corporation, transmitting a report covering the month of September 1973, of the average number of passengers per day on board each train operated, and the on-time performance at the final destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Affairs.

1474. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a report on the administration of the ocean dumping permit program authorized under the Marine Protection, Research, and Sanctuaries Act of 1972 (Public Law 92–532), covering activities through June 23, 1973; to the Committee on Merchant Marine and Fisheries.

1475. A letter from the Chairman and members, Commission on American Shipbuilding, transmitting the report of the Commission, pursuant to the Merchant Marine Act of 1970; to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. H.R. 9295. A bill to provide for the conveyance of certain lands of the United States to the State of Louisiana for the use of Louisiana State Univeristy (Rept. No. 93–603). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Science and Astronautics. H.R. 11035. A bill to declare a national policy of converting to the metric system in the United States, and to establish a national metric conversion board to coordinate the voluntary conversion to the metric system over a period of 10 years. (Rept. No. 93–604). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 9456. A bill to extend the Drug Abuse Education Act of 1970 for 3 years; with amendment (Rept. No. 93–605). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California (for himself, Mr. TIERNAN, and Mr. STEELE):

H.R. 11040. A bill to provide for a 7-percent increase in social security benefits beginning with benefits payable for the month of January 1974; to the Committee on Ways and Means.

By Mr. ARCHER:

H.R. 11041. A bill to amend the Occupational Safety and Health Act of 1970 to improve the administration of that act with respect to small businesses; to the Committee on Education and Labor.

H.R. 11042. A bill to amend title 23, United States Code, to insure that no State will be apportioned less than 80 percent of its tax contribution to the highway trust; to the Committee on Public Works.

By Mr. BENNETT:

H.R. 11043. A bill to provide for the appointment of a Special Prosecutor to prosecute any offenses against the United States arising out of the "Watergate affair"; to the Committee on the Judiciary.

By Mr. BERGLAND (for himself, Mr. ANDREWS of North Dakota, Mr. BOWEN, Mr. MCSPADDEN, Mr. SEIBERLING, Mr. FRASER, Mr. LEGGETT, Mr. PREYER, Mr. LITTON, Mr. THONE, Mr. MATHIAS of California, Mr. HUNGATE, Mr. MELCHER, Mr. JOHNSON of Colorado, Mr. JOHNSON of Pennsylvania, Mr. BRECKINRIDGE, Mr. CHARLES WILSON of Texas, and Mr. RAILSBACK):

H.R. 11044. A bill to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. CARNEY of Ohio:

H.R. 11045. A bill to establish uniform dates for the holding of Federal primary elections; to the Committee on House Administration.

H.R. 11046. A bill to authorize voluntary withholding of District of Columbia, Maryland, and Virginia income taxes in the case of employees of the House of Representatives and the Senate; to the Committee on Ways and Means.

By Mr. CONABLE:

H.R. 11047. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to prohibit the Secretary of Transportation from imposing certain seatbelt standards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DON H. CLAUSEN:

H.R. 11048. A bill to amend chapter 29 of title 18, United States Code, to prohibit certain election campaign practices, and for

other purposes; to the Committee on House Administration.

By Mr. FULTON:

H.R. 11049. A bill to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. FUQUA:

H.R. 11050. A bill to provide that meetings of Government agencies and of congressional committees shall be open to the public, and for other purposes; to the Committee on Rules.

By Mr. GINN:

H.R. 11051. A bill to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mrs. GRIFFITHS:

H.R. 11052. A bill to amend title 28 of the United States Code to provide that, in the event of the failure of the President to appoint a Director of the Federal Bureau of Investigation, by and with the advice and consent of the Senate, upon a vacancy occurring in that Office, the Justice of the Supreme Court who has longest served as a Justice of that Court shall in certain cases appoint such a Director, and for other purposes; to the Committee on Judiciary.

By Mr. KING:

H.R. 11053. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to prohibit the Secretary of Transportation from imposing certain seatbelt standards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself and Mr. HARRINGTON):

H.R. 11054. A bill to amend the National Security Act of 1947 to prohibit the Central Intelligence Agency from providing training or other assistance in support of State or local law enforcement activities; to the Committee on Armed Services.

By Mr. KOCH (for himself, Mr. COHEN, Mr. STARK, and Mr. WHITE):

H.R. 11055. A bill to amend chapter 49 of title 10, United States Code, to prohibit the inclusion of certain information on discharge certificates, and for other purposes; to the Committee on Armed Services.

By Mr. McCORMACK (for himself, Mr. TEAGUE of Texas, Mr. MOSHER, Mr. GOLDWATER, Mr. MEEDS, Mr. FISH, Mr. EDWARDS of Alabama, Mr. BLATNIK, Mr. SISK, Mr. YOUNG of Georgia, Mr. QUIE, Mr. SHRIVER, Mr. MAYNE, Mr. ROBINSON of Virginia, Mr. FRASER, Mr. BURGENER, Mr. ARCHER, Mr. J. WILLIAM STANTON, Mr. KEMP, Mr. CARNEY of Ohio, Mr. DANIELSON, Mr. PEPPER, Mr. CORMAN, Mr. JOHNSON of Colorado, and Mr. VANIK):

H.R. 11056. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. McCORMACK (for himself, Mr. TEAGUE of Texas, Mr. MOSHER, Mr. GOLDWATER, Mr. UDALL, Mr. BAKER, Mr. WALSH, Mr. LONG of Maryland, Mr. LENT, Mr. THOMSON of Wisconsin, Mr. ROUSH, Mr. KEATING, Mr. WHITE, Mr. RONCALLO of New York, Mr. ROSENTHAL, Mr. SCHERLE, Mr. CHARLES WILSON of Texas, Mr. PRITCHARD, Mr. YOUNG of Illinois, Mr. ROY, Mr. FROEHLICH, Mr. ASPIN, Mrs. SULLIVAN, Mr. WRIGHT, and Mr. RONCALIO of Wyoming):

H.R. 11057. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. McCORMACK (for himself, Mr. TEAGUE of Texas, Mr. HOSMER, Mr. GOLDWATER, Mr. BADILLO, Mr. DELLUMS, Mr. ESHLEMAN, Mr. McKINNEY, Mr. McDADE, Mr. YOUNG of South Carolina, Mr. HELSTOSKI, Mr. ANNUNZIO, Mr. HECHLER of West Virginia, Mr. WYATT, Mr. HARVEY, Mr. BREAUX, Mr. HICKS, Mr. BINGHAM, Mr. CLEVELAND, Mr. MITCHELL of New York, Mr. METCALFE, Mr. HASTINGS, Mr. STUDDS, Mr. MOORHEAD of California, and Mr. REUSS):

H.R. 11058. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. MEEDS (for himself, Mr. PRITCHARD, Mrs. HANSEN of Washington, Mr. McCORMACK, Mr. FOLEY, Mr. HICKS, and Mr. ADAMS):

H.R. 11059. A bill to establish the Alpine Lakes National Recreation Area, including within it the Alpine Lakes Wilderness Area, in the State of Washington; to the Committee on Interior and Insular Affairs.

H.R. 11060. A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

H.R. 11061. A bill to designate the Alpine Lakes Wilderness, Snoqualmie and Wenatchee National Forests, in the State of Washington; to the Committee on Interior and Insular Affairs.

H.R. 11062. A bill to designate certain lands in the Snoqualmie and Wenatchee National Forests, Washington, as "Alpine Lakes Wilderness' and "Enchantment Wilderness" for inclusion in the National Wilderness Preservation System; to the Committee on Interior and Insular Affairs.

By Mr. MINISH:

H.R. 11063. A bill to require the Secretary of Transportation to prescribe regulations governing the humane treatment of animals transported in air commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. MOAKLEY:

H.R. 11064. A bill to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

H.R. 11065. A bill to amend the Elementary and Secondary Education Act of 1965 to assist school districts to carry out locally approved school security plans to reduce crime against children, employees, and facilities of their schools; to the Committee on Education and Labor.

By Mr. MOSS (for himself, Mr. ASPIN, and Mr. DINGELL):

H.R. 11066. A bill to amend the Natural Gas Act to secure adequate and reliable supplies of natural gas and oil at the lowest reasonable cost to the consumer, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOSS (for himself and Mr. DINGELL):

H.R. 11067. A bill to establish an Independent Office of Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. PARRIS:

H.R. 11068. A bill to amend section 1951, title 18, United States Code, act of July 3, 1946; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania (for himself, Mr. VIGORITO, Mr. HECHLER of West Virginia, Mr. CHARLES WILSON of Texas, Mr. HELSTOSKI, Mr. FRENZEL, Mr. CHARLES H. WILSON of California, Mr. GUNTER, Mr. SEIBERLING, Mr. WOLFF, Mr. LONG of Maryland, Mr. ROUSH, Mr. COTTER, Mr. RANGEL, Mr. STARK, and Mr. DRINAN):

H.R. 11069. A bill to prohibit without congressional approval expenditures of appropriated funds with respect to private property used as residences by individuals whom the Secret Service is authorized to protect; to the Committee on Public Works.

By Mr. ROYBAL (for himself, Ms. ABZUG, Mr. BADILLO, Mr. BROWN of California, Mrs. CHISHOLM, Ms. COLLINS of Illinois, Mr. DAVIS of South Carolina, Mr. DELLUMS, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. FASCELL, Mr. FRASER, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. LEGGETT, Mr. LEHMAN, Ms. MINK, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. MOSS, Mr. RANGEL, Mr. REES, Mr. RIEGLE, Mr. ROE, and Mr. ROONEY of Pennsylvania):

H.R. 11070. A bill to provide for the establishment of a National Office for Migrant and Seasonal Farmworkers within the Department of Health, Education, and Welfare, with responsibility for the coordinated administration of all of the programs of that Department serving migrant and seasonal farmworkers; to the Committee on Education and Labor.

By Mr. ROYBAL (for himself, Mr. ROY, Mr. SARBANES, Mr. SEBELIUS, Mr. STARK, Mr. THOMPSON of New Jersey, and Mr. WALDIE):

H.R. 11071. A bill to provide for the establishment of a National Office for Migrant and Seasonal Farmworkers within the Department of Health, Education, and Welfare, with responsibility for the coordinated administration of all of the programs of that Department serving migrant and seasonal farmworkers; to the Committee on Education and Labor.

By Mr. CULVER (for himself, Ms. ABZUG, Mr. ADDABBO, Mr. ANDERSON of California, Mr. ASHLEY, Mr. ASPIN, Mr. BADILLO, Mr. BERGLAND, Mr. BINGHAM, Mr. BLATNIK, Mr. BOLAND, Mr. BROWN of California, Mr. BRADEMAS, Mr. BRECKINRIDGE, Mr. BURTON, Mr. CARNEY of Ohio, Mrs. CHISHOLM, Mr. CLAY, Mr. CONYERS, Mr. COTTER, Mr. DANIELSON, Mr. DELLUMS, Mr. ECKHARDT, Mr. EDWARDS of California, and Mr. EVANS of Colorado):

H.J. Res. 784. Joint resolution to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. CULVER (for himself, Mr. FASCELL, Mr. FAUNTROY, Mr. FOLEY, Mr. WILLIAM D. FORD, Mr. FRASER, Mr. GIAIMO, Mrs. GRASSO, Mr. GUNTER, Mr. HAMILTON, Mr. HANLEY, Mr. HARRINGTON, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. HICKS, Miss HOLTZMAN, Mr. HOWARD, Miss JORDAN, Mr. KARTH, Mr. KOCH, Mr. LEGGETT, Mr. McCORMACK, Mr. MATSUNAGA, and Mr. MELCHER):

H.J. Res. 785. Joint resolution to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. CULVER (for himself, Mr. METCALFE, Mr. MEZVINSKY, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MOL-

LOHAN, Mr. NEDZI, Mr. OBEY, Mr. O'HARA, Mr. OWENS, Mr. PEPPER, Mr. PIKE, Mr. PODELL, Mr. REES, Mr. REID, Mr. ROONEY of Pennsylvania, Mr. ROSENTHAL, Mr. ROUSH, Mr. ROY, Mr. ROYBAL, Mr. ST GERMAIN, Mr. SARBANES, Mrs. SCHROEDER, Mr. SEIBERLING, and Mr. SISK):

H.J. Res. 786. Joint resolution to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. CULVER (for himself, Mr. SMITH of Iowa, Mr. STARK, Mr. STOKES, Mr. SYMINGTON, Mr. THOMPSON of New Jersey, Mr. TIERNAN, Mr. UDALL, Mr. WALDIE, Mr. CHARLES H. WILSON of California, Mr. WOLFF, Mr. YATES, and Mr. YOUNG of Georgia):

H.J. Res. 787. Joint resolution to provide for the appointment of a special prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. GREEN of Pennsylvania:

H.J. Res. 788. Joint resolution to provide for the appointment of a special prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. MINISH:

H.J. Res. 789. Joint resolution to authorize the President to proclaim the last Friday of April of 1974 as "National Arbor Day"; to the Committee on the Judiciary.

By Mr. RUTH:

H.J. Res. 790. Joint resolution designating the week commencing February 3, 1974, as "International Clergy Week in the United States" and for other purposes; to the Committee on the Judiciary.

By Mr. ARCHER (for himself, Mr. BELL, Mr. BIAGGI, Mr. BLACKBURN, Mr. EILBERG, Mr. FISHER, Mr. FRENZEL, Mr. GOLDWATER, Mr. HOGAN, Mr. KETCHUM, Mr. KOCH, Mr. LONG of Maryland, Mr. MITCHELL of Maryland, Mr. O'BRIEN, Mr. WON PAT, Mr. PODELL, Mr. RHODES, Mr. STEELMAN, Mr. WIDNALL, and Mr. CHARLES WILSON of Texas):

H. Con. Res. 362. Concurrent resolution: a resolution to commend the courageous action of Andrei Sakharov and Aleksandr Solzhenitsyn; to the Committee on Foreign Affairs.

By Mr. BARRETT (for himself, Mr. NIX, Mr. DAVIS of South Carolina, Mr. O'NEILL, Mr. MADDEN, Mr. HOLIFIELD, Mr. EDWARDS of California, Mr. MORGAN, Mr. FLOOD, Mr. EILBERG, Mr. STUDDS, and Mr. GREEN of Pennsylvania):

H. Con. Res. 363. Concurrent resolution calling for the President to curtail exports of goods, material, and technology to nations that restrict the flow of oil to the United States; to the Committee on Banking and Currency.

By Mr. FASCELL:

H. Con. Res. 364. Concurrent resolution expressing the sense of the Congress with respect to the present world energy crisis; to the Committee on Foreign Affairs.

By Mr. LONG of Maryland:

H. Con. Res. 365. Concurrent resolution of censureship without prejudice to impeachment; to the Committee on the Judiciary.

By Ms. ABZUG:

H. Res. 625. Resolution impeaching Richard M. Nixon, President of the United States, for high crimes and misdemeanors; to the Committee on the Judiciary.

By Mr. ASHLEY:

H. Res. 626. Resolution directing the Committee on the Judiciary to investigate whether there are grounds for the impeachment of Richard M. Nixon; to the Committee on Rules.

By Mr. BINGHAM:

H. Res. 627. Resolution directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon; to the Committee on Rules.

By Mr. BURTON (for himself, Ms. ABZUG Mr. ANDERSON of California, Mr. ASPIN, Mr. BERGLAND, Mr. BINGHAM, Mr. BRASCO, Mr. BROWN of California, Mr. BOLAND, Mr. BRADEMAS, Mrs. CHISHOLM, Mr. CULVER, Mr. CONYERS, Mr. DELLUMS, Mr. DRINAN, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. EVANS of Colorado, Mr. FASCELL, Mr. FAUNTROY, Mr. FOLEY, Mr. WILLIAM D. FORD, Mr. FRASER, Mr. GIAIMO, and Ms. GRASSO):

H. Res. 628. Resolution directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon; to the Committee on Rules.

By Mr. BURTON (for himself, Mr. GREEN of Pennsylvania, Mr. HARRINGTON, Mr. HAWKINS, Mr. HELSTOSKI, Mr. HICKS, Mr. HOWARD, Miss JORDAN, Mr. KARTH, Mr. MCCORMACK, Mr. MAZZOLI, Mr. METCALFE, Mr. MEZVINSY, Mrs. MINK, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. MOORHEAD of Pennsylvania, Mr. MURPH" of New York, Mr. NEDZI, Mr. OBEY, Mr. O'HARA, Mr. O'NEILL Mr. PEPPER, Mr. PODELL, and Mr. REES):

H. Res. 629. Resolution directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon; to the Committee on Rules.

By Mr. BURTON (for himself, Mr. ROONEY of Pennsylvania, Mr. ROYBAL, Mrs. SCHROEDER, Mr. SEIBERLING, Mr. STARK, Mr. STUDDS, Mr. SYMINGTON, Mr. TIERNAN, Mr. THOMPSON of New Jersey, Mr. UDALL, Mr. YATES, and Mr. YOUNG of Georgia):

H. Res. 630. Resolution directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon; to the Committeee on Rules.

By Mr. HECHLER of West Virginia:

H. Res. 631. Resoluton that Richard M. Nixon, President of the United States, is impeached of high crimes and misdemeanors; to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusetts:

H. Res. 632. Resolution to appoint a Special Prosecutor; to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusetts (for herself, Mr. COTTER, Mr. MOSS, Mr. DUNCAN, Mr. ROSENTHAL, Mr. MITCHELL of Maryland, Mr. PODELL, Mr. WON PAT, Mr. STARK, Ms. HOLTZMAN, Mr. RIEGLE, Mr. GAYDOS, Mr. RANGEL, Mr. BRAY, Mr. GONZALEZ, Mr. KOCH, Mr. LEGGETT, Mr. GOLDWATER, Mr. HARRINGTON, and Mr. HORTON):

H. Res. 633. Resolution creating a Select Committee on Privacy; to the Committee on Rules.

By Mr. McCLOSKEY:

H. Res. 634. Resolution of inquiry; to the Committee on the Judiciary.

H. Res. 635. Resolution for the impeachment of Richard M. Nixon; to the Committee on the Judiciary.

By Mr. MAZZOLI:

H. Res. 636. Resolution: an inquiry into the existence of grounds for the impeachment of Richard M. Nixon, President of the United States; to the Committee on Rules.

By Mr. MILFORD:

H. Res. 637. Resolution providing for the establishment of an Investigative Committee to investigate alleged Presidential misconduct; to the Committee on Rules.

By Mr. MITCHELL of Maryland (for himself, Mr. BURTON, and Mr. FAUNTROY):

H. Res. 638. Resolution impeaching Richard M. Nixon, President of the United States, of high crimes and misdemeanors; to the Committee on the Judiciary.

By Mr. MOAKLEY (for himself, Mr. STOKES, Mr. FRASER, and Mr. ROSENTHAL):

H. Res. 639. Resolution expressing the sense of the House that there be no action on confirmation of the Vice Presidential nominee until such time as the President has complied with final decision of the court system as it regards the White House tapes; to the Committee on the Judiciary.

By Mr. O'NEILL (for himself, Mr. BOLLING, Mr. BROOKS, Mr. BROYHILL of Virginia, Mr. CLEVELAND, Mr. DAN DANIEL, Mr. FAUNTROY, Mr. FISHER, Mr. FRASER, Mr. KEATING, Mr. MCCLOSKEY, Mr. MCCOLLISTER, Mr. RIEGLE, Mr. J. WILLIAM STANTON, Mr. THONE, Mr. WHITE, Mr. WON PAT, and Mr. YOUNG of Alaska):

H. Res. 640. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. OWENS:

H. Res. 641. Resolution directing the Committee on the Judiciary to investigate the question of impeachment of the President; to the Committee on Rules.

By Mr. REID (for himself, Ms. ABZUG, Mr. ASPIN, Mr. BOLAND, Mr. DENT, Mr. ECKHARDT, and Mr. MCCLOSKEY):

H. Res. 642. Resolution directing the Committee on the Judiciary to inquire into commencement of impeachment proceedings; to the Committee on Rules.

By Mr. ROSENTHAL:

H. Res. 643. Resolution for the impeachment of President Richard M. Nixon, and for other purposes; to the Committee on the Judiciary.

By Mr. ROY:

H. Res. 644. Resolution directing the Committee on the Judiciary to investigate the official conduct of the President; to the Committee on Rules.

By Mr. SEIBERLING (for himself, Ms. ABZUG, Mr. DRINAN, Mr. FRASER, Mr. HECHLER of West Virginia, Mr. EDWARDS of California, Mr. ROONEY of Pennsylvania, Mr. SARBANES, Ms. HOLTZMAN, Mr. DANIELSON, Mr. LEHMAN, and Mr. CONYERS):

H. Res. 645. Resolution to investigate the activities of Richard M. Nixon, President of the United States; to the Committee on Rules.

By Mr. SISK:

H. Res. 646. Resolution to create a Select Committee to consider an impeachment resolution against the President of the United States, and for other purposes; to the Committee on Rules.

By Mr. THOMPSON of New Jersey (for himself, Mr. WILLIAM D. FORD, Mr. BADILLO, and Mr. WALDIE):

H. Res. 647. Resolution of impeachment; to the Committee on Rules.

By Mr. WALDIE (for himself, Ms. ABZUG, Mr. BADILLO, Mr. BROWN of California, Mr. CLARK, Mr. DELLUMS, Mr. DRINAN, Mr. FAUNTROY, Mr. FRASER, Mr. HECHLER of West Virginia, Mr. LEGGETT, Mr. MEEDS, Mr. RANGEL, Mr. REES, Mr. ROSENTHAL, Mr. ROYBAL, Mr. RYAN, Mr. CHARLES H. WILSON of California, Mr. BURTON, Mr. LONG of Maryland, Mr. VANIK, Mr. KOCH, Mr. THOMPSON of New Jersey, Mr. MOAKLEY, and Mr. WILLIAM D. FORD):

H. Res. 648. Resolution impeaching President Richard M Nixon; to the Committee on the Judiciary.

By Mr. WALDIE (for himself, Mr. STARK, Mr. HELSTOSKI, Mr. CLAY, and Mr. PODELL):

H. Res. 649. Resolution for the impeach-

ment of the President of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FREY:

H.R. 11072. A bill for the relief of South Florida Council, Inc., Boy Scouts of America; to the Committee on Interior and Insular Affairs.

By Mr. REUSS:

H.R. 11073. A bill for the relief of Grace Nien-Tsu Yu; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

321. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to the Charles River watershed proposal of the Army Corps of Engineers; to the Committee on Public Works.

PETITIONS, ETC.

Under clause 1 of rule XXII,

331. The SPEAKER presented a petition of Milton Mayer, New York, N.Y., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

MARVIN JONES MEMOIRS

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. MAHON. Mr. Speaker, one of the most distinguished Americans of this century is Judge Marvin Jones, who served 24 years in Congress, from 1917 to 1941.

The Texas Western Press of the University of Texas at El Paso has performed a fine public service in publishing a few weeks ago the memoirs of this outstanding government leader, who has devoted more than half a century to public service.

Elected to Congress from the Amarillo, Tex., district, Judge Jones served in the House of Representatives with distinction until he resigned to take a position as Judge of the U.S. Court of Claims in 1941. As a Congressman he wrote a record of achievement in the field of agriculture without parallel in the history of this country, serving as chairman of the House Committee on Agriculture from 1931 until his resignation from Congress.

In 1943 Marvin Jones became Assistant Director of Stabilization and later that year War Food Administrator, a position which he held until the end of World War II. Judge Jones enjoys the distinction of being one of a very few U.S. citizens to have served in a high-level position in all three branches of the Government.

Serving from 1947 to 1964 as chief judge of the U.S. Court of Claims, Marvin Jones has been a senior judge of the U.S. courts since that time. He divides his time between his old hometown, Amarillo, Tex., and Washington, D.C., where he maintains an office at the Court of Claims, 717 Madison Place, NW.

Friends of Judge Marvin Jones and students of the history of this century will be interested in his colorful memoirs. The following is a captivating column about Judge Jones which appeared in the Avalanche-Journal newspaper of Lubbock, Tex., on September 18, 1973.

ONE MAN'S OPINION

(By Kenneth May)

As a small schoolboy, Judge Marvin Jones of Amarillo recalls, he walked across a pasture of a field where some of his brothers and sisters were working.

"My brother Hub asked me where I was going and I replied, 'I am going to Congress'. They made quite a joke of it," Jones writes in his memoirs.

"Brother Hub" is Hub Jones of Lubbock and Judge Marvin Jones is one of the few men in history to hold top jobs in all three branches of the federal government.

In a book newly published by the Texas Western Press at the University of Texas-El Paso, Jones tells his story in a folksy manner.

He calls the book simply, "Marvin Jones Memoirs." It is filled with anecdotes and personal bits of philosophy with which the West Texas reader can easily identify.

Jones did, indeed, go to Congress. He served the Panhandle-Plains area from 1917 to 1941 and was chairman of the House Agriculture Committee when the New Deal record of farm legislation was written.

During the war, Jones served as War Food Administration, earning a "You did a great job, Marvin" from President Franklin D. Roosevelt.

Jones was appointed chief judge of the U.S. Court of Claims in 1947 and became a Senior Judge of U.S. Courts upon his partial retirement in 1964.

Through it all, he carried with him the philosophy that "it's all right to dream if you don't go to sleep."

Among those who gave the young Congressman good advice during his early years in Washington was John Nance Garner.

"He advised me to be careful of what I placed in the Congressional Record the first two or three years," Jones writes. "He told me a man is not beaten on what he does not say."

Jones got favorable response, though, to a speech he made in 1919 about a move advocating use of the bomb and torch to achieve social and political reform.

He suggested that those who preached violent resolution be deported to remote islands to try out "their absurd doctrines on one another."

During the first 100 days of the Roosevelt Administration, Jones recalls, he handled more major bills in their passage through Congress than did any other member.

"These included the Agricultural Adjustment and Soil Conservation Act, the act for Refinancing of Farm Mortgages, the Farm Credit Administration Act and the measure reducing the gold content of the dollar," he points out.

During that time, too, he was instrumental in getting a number of regional governmental offices headquartered in Amarillo.

Jones became a favorite of President Roosevelt's, who appointed him to the U.S. Court of Claims in 1940. Early in World War II, though, he was asked to become assistant to James F. Byrnes, the Director of Stabilization.

Then, in 1943, Roosevelt summoned Jones.

"The President called me to say he was appointing a new United States War Food Administrator, adding facetiously that the choice was between Herbert Hoover and me," Jones writes.

"I responded that Mr. Hoover had had a lot of experience. He (the President) laughed and said that I must take it," Jones adds.

"He suggested that I should resign and that he would later reappoint me to the place I then held or a better one. I said the way he had the food job set up, no man could hold it for six months and then be confirmed to any other position.

"He laughed again and said, 'You can'," Jones relates.

For the remainder of the war, Jones was the dominant voice in allocating food to the armed forces, the civilian population and to our primary allies.

In an appendix to the book, editor Joseph M. Ray notes that "one technique Marvin Jones mastered (while in Congress) might be termed 'dealing from strength'."

In one such instance, Jones ran into a bureaucratic stone wall with regard to the special problems of dealing wih wind erosion.

He won his point by holding up the annual appropriation for any Soil Conservation until the bureaucracy saw the light.

Jones' book is filled with anecdotes, some at his own expense as when he asked another Congressman to agree that his hat "makes me look like a statesman."

"No, I wouldn't quite say that," came the reply. "It goes as far as a hat can."

BUYERS OBJECT TO BUCKLING UP

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. GAYDOS. Mr. Speaker, auto salesmen in my western Pennsylvania district report a strong and bitter customer opposition to the federally regulated seatbelt, shoulder-harness combination system which is mandatory on the 1974 models.

The objection is to the fact that the harnesses must be buckled up completely before the new cars can be started. The people, according to the salesmen, do not like this. Indeed some fear it, citing the possibility of being trapped if the apparatus fails.

I know the safety experts who dictated this regulation have good reasons to believe that seat and shoulder belts can save lives by holding a person in place and keeping him from being thrown against the windshield or out of the car in case of a crash. But the complaints in the auto showrooms, the salesmen say, go beyond this theory and into the realm of individual liberty.

"People just do not like to buckle up, and we are the first to know about it," salesman Jerry Nuzum told William Allan, Pittsburgh Press features editor, who investigated the matter.

"Everyone wants to know how to get around them," Joe Mazza, a sales manager, added and then summed up the public reaction to the belt system as "terrible!"